

# SENATE BILL 379

P5

EMERGENCY BILL

2lr1249

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By: **The President (By Request – Department of Legislative Services)**

Introduced and read first time: January 31, 2012

Assigned to: Rules

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 13, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Annual Corrective Bill**

3 FOR the purpose of correcting certain errors and omissions in certain articles of the  
4 Annotated Code and certain uncodified laws; clarifying language; correcting  
5 certain obsolete references; reorganizing certain sections of the Annotated Code;  
6 ratifying certain corrections made by the publishers of the Annotated Code;  
7 providing that this Act is not intended to affect any law other than to correct  
8 technical errors; providing for the correction of certain errors and obsolete  
9 provisions by the publishers of the Annotated Code; providing for the effect and  
10 construction of certain provisions of this Act; providing for a delayed effective  
11 date for a portion of this Act; and making this Act an emergency measure.

12 BY repealing and reenacting, with amendments,  
13 Article 2B – Alcoholic Beverages  
14 Section 11–304(q)(2), 15–112(d)(2)(iv), and 20–106(c)  
15 Annotated Code of Maryland  
16 (2011 Replacement Volume)

17 BY repealing  
18 Article 2B – Alcoholic Beverages  
19 Section 11–403(b)(2)(xi)  
20 Annotated Code of Maryland  
21 (2011 Replacement Volume)

22 BY adding to

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 Article 24 – Political Subdivisions – Miscellaneous Provisions  
2 Section 1–112  
3 Annotated Code of Maryland  
4 (2011 Replacement Volume)
- 5 BY repealing and reenacting, with amendments,  
6 Article 25 – County Commissioners  
7 Section 10–I(a), 19(b), 53(b)(6), 121D, and 174  
8 Annotated Code of Maryland  
9 (2011 Replacement Volume)
- 10 BY repealing and reenacting, with amendments,  
11 Article 25B – Home Rule for Code Counties  
12 Section 13H(j)  
13 Annotated Code of Maryland  
14 (2011 Replacement Volume)  
15 (As enacted by Chapter 641 of the Acts of the General Assembly of 1995)
- 16 BY repealing  
17 Article – Agriculture  
18 The subtitle designation “Subtitle 13. Aquaculture”  
19 Annotated Code of Maryland  
20 (2007 Replacement Volume and 2011 Supplement)
- 21 BY repealing and reenacting, with amendments,  
22 Article – Business Occupations and Professions  
23 The subtitle designation “Subtitle 5. Miscellaneous Provision” to immediately  
24 precede Section 9–501; and 16–211  
25 Annotated Code of Maryland  
26 (2010 Replacement Volume and 2011 Supplement)
- 27 BY repealing and reenacting, without amendments,  
28 Article – Business Occupations and Professions  
29 Section 9–501  
30 Annotated Code of Maryland  
31 (2010 Replacement Volume and 2011 Supplement)
- 32 BY repealing and reenacting, with amendments,  
33 Article – Business Regulation  
34 Section 5–403(4), 12–301(b)(1), 16.5–101(c), and 17–1012(a), (c)(1), and (e)  
35 Annotated Code of Maryland  
36 (2010 Replacement Volume and 2011 Supplement)
- 37 BY repealing  
38 Article – Business Regulation  
39 The part designation “Part III. Calvert County Licensing”  
40 Annotated Code of Maryland

- 1 (2010 Replacement Volume and 2011 Supplement)
- 2 BY repealing and reenacting, with amendments,  
3 Article – Commercial Law  
4 Section 12–1026(a), 13–204(14), 14–1310(b)(1)(ii), and 14–1805(a)  
5 Annotated Code of Maryland  
6 (2005 Replacement Volume and 2011 Supplement)
- 7 BY repealing and reenacting, with amendments,  
8 Article – Corporations and Associations  
9 Section 5–6B–03(d)(1) and (3)  
10 Annotated Code of Maryland  
11 (2007 Replacement Volume and 2011 Supplement)
- 12 BY repealing and reenacting, with amendments,  
13 Article – Courts and Judicial Proceedings  
14 Section 3–819(c)  
15 Annotated Code of Maryland  
16 (2006 Replacement Volume and 2011 Supplement)
- 17 BY repealing and reenacting, with amendments,  
18 Article – Criminal Law  
19 Section 2–303(h)(2), 3–902(a)(5)(i)8., and 3–903(b)(6)  
20 Annotated Code of Maryland  
21 (2002 Volume and 2011 Supplement)
- 22 BY repealing and reenacting, with amendments,  
23 Article – Criminal Procedure  
24 Section 10–231.1(c)(2), 11–701(l)(3), and 11–723(d)(3)(ii)  
25 Annotated Code of Maryland  
26 (2008 Replacement Volume and 2011 Supplement)
- 27 BY repealing and reenacting, with amendments,  
28 Article – Education  
29 Section 3–1001(b), (d), and (g), 7–109, 18–403, 18–604(a), 18–705(c)(2) and (4),  
30 and 23–205(b)(2)  
31 Annotated Code of Maryland  
32 (2008 Replacement Volume and 2011 Supplement)
- 33 BY repealing and reenacting, with amendments,  
34 Article – Education  
35 Section 11–203(b)  
36 Annotated Code of Maryland  
37 (2008 Replacement Volume and 2011 Supplement)  
38 (As enacted by Chapter 277 of the Acts of the General Assembly of 2011)
- 39 BY repealing and reenacting, with amendments,

- 1 Article – Election Law  
2 Section 5–305(c)(1), 9–207(a)(1), 9–209, 10–310(c)(4), and 13–227(b)  
3 Annotated Code of Maryland  
4 (2010 Replacement Volume and 2011 Supplement)
- 5 BY repealing and reenacting, with amendments,  
6 Article – Environment  
7 Section 6–819(a)(2)(viii), 9–1605.2(h)(2)(i)1.E., and 15–1201(b) and (c)  
8 Annotated Code of Maryland  
9 (2007 Replacement Volume and 2011 Supplement)
- 10 BY repealing and reenacting, with amendments,  
11 Article – Estates and Trusts  
12 Section 4–409(2) and 14–107(f)(2)(ii)  
13 Annotated Code of Maryland  
14 (2011 Replacement Volume and 2011 Supplement)
- 15 BY repealing and reenacting, with amendments,  
16 Article – Family Law  
17 Section 4–509(a); the subtitle designation “Subtitle 1. Definition” to immediately  
18 precede Section 5–101; and 12–201(j) and (k)  
19 Annotated Code of Maryland  
20 (2006 Replacement Volume and 2011 Supplement)
- 21 BY repealing and reenacting, without amendments,  
22 Article – Family Law  
23 Section 5–101(a)  
24 Annotated Code of Maryland  
25 (2006 Replacement Volume and 2011 Supplement)
- 26 BY repealing  
27 Article – Family Law  
28 Section 12–201(i)  
29 Annotated Code of Maryland  
30 (2006 Replacement Volume and 2011 Supplement)
- 31 BY adding to  
32 Article – Family Law  
33 Section 12–201(k)  
34 Annotated Code of Maryland  
35 (2006 Replacement Volume and 2011 Supplement)
- 36 BY repealing and reenacting, with amendments,  
37 Article – Financial Institutions  
38 Section 2–114(b), 4–906(2), 8–303(b)(21), 8–404, 9–1005(a) and (b)(2)(i),  
39 9–1006(b)(2), (c), and (e), and 12–802(g)  
40 Annotated Code of Maryland

- 1 (2011 Replacement Volume and 2011 Supplement)
- 2 BY repealing
- 3 Article – Financial Institutions
- 4 Section 11–603.1(l)
- 5 Annotated Code of Maryland
- 6 (2011 Replacement Volume and 2011 Supplement)
- 7 BY repealing and reenacting, with amendments,
- 8 Article – Health – General
- 9 Section 8–1001(d)(1), 13–112(c), 13–809(1)(iii) and (iv), 15–304(b)(1), 18–901(e),
- 10 21–2A–04(b)(5), and 24–505(1)
- 11 Annotated Code of Maryland
- 12 (2009 Replacement Volume and 2011 Supplement)
- 13 BY repealing and reenacting, with amendments,
- 14 Article – Health – General
- 15 Section 10–411(c)(2)(i)
- 16 Annotated Code of Maryland
- 17 (2009 Replacement Volume and 2011 Supplement)
- 18 (As enacted by Chapter 21 of the Acts of the General Assembly of 1982)
- 19 BY repealing and reenacting, with amendments,
- 20 Article – Health – General
- 21 Section 19–1409(b)(8)
- 22 Annotated Code of Maryland
- 23 (2009 Replacement Volume and 2011 Supplement)
- 24 (As enacted by Chapter 65 of the Acts of the General Assembly of 2011)
- 25 BY repealing and reenacting, with amendments,
- 26 Article – Health Occupations
- 27 Section 4–205(a)(7), 4–207(e), 4–308(d)(1)(ii)1. and 2.A. and (h)(1)(iii)1., and
- 28 12–6C–01(q)
- 29 Annotated Code of Maryland
- 30 (2009 Replacement Volume and 2011 Supplement)
- 31 BY repealing
- 32 Article – Health Occupations
- 33 Section 12–6C–01(p)
- 34 Annotated Code of Maryland
- 35 (2009 Replacement Volume and 2011 Supplement)
- 36 BY adding to
- 37 Article – Health Occupations
- 38 Section 12–6C–01(q)
- 39 Annotated Code of Maryland
- 40 (2009 Replacement Volume and 2011 Supplement)

- 1 BY adding to  
2 Article – Health Occupations  
3 Section 14–411(e) and (f)  
4 Annotated Code of Maryland  
5 (2009 Replacement Volume and 2011 Supplement)  
6 (As enacted by Chapters 308 and 309 of the Acts of the General Assembly of  
7 2011)
- 8 BY repealing and reenacting, with amendments,  
9 Article – Health Occupations  
10 Section 14–411(e) through (q)  
11 Annotated Code of Maryland  
12 (2009 Replacement Volume and 2011 Supplement)  
13 (As enacted by Chapters 308 and 309 of the Acts of the General Assembly of  
14 2011)
- 15 BY repealing and reenacting, with amendments,  
16 Article – Insurance  
17 Section 4–405(b)(12), 5–101(a)(3)(ii), (4)(ii), (11), and (13), 5–608(e)(2) and (n)(1)  
18 and (2), 7–405(c)(1)(i), 8–301(f)(1)(i)5., 9–217(b), 14–106(d)(2)(i),  
19 14–504(a)(2), 15–1216(c)(2), 27–613(c)(3)(viii) and (h)(3)(ii),  
20 27–614(c)(5)(vii) and (e)(3)(ii), and 31–101(j)  
21 Annotated Code of Maryland  
22 (2011 Replacement Volume)
- 23 BY repealing and reenacting, with amendments,  
24 Article – Labor and Employment  
25 Section 3–502, 3–710(d)(7), 3–711(d)(5)(ii) and (iii), 3–907(b)(2) and (3), and  
26 9–722(a)  
27 Annotated Code of Maryland  
28 (2008 Replacement Volume and 2011 Supplement)
- 29 BY repealing and reenacting, with amendments,  
30 Article – Natural Resources  
31 Section 4–701.1(g)(6)(i), 4–742(e), and 4–1037(3)  
32 Annotated Code of Maryland  
33 (2005 Replacement Volume and 2011 Supplement)
- 34 BY repealing and reenacting, with amendments,  
35 Article – Public Safety  
36 Section 2–509(a), 2–510, 5–103(1), and 11–116(a)(2)(v)  
37 Annotated Code of Maryland  
38 (2011 Replacement Volume)
- 39 BY adding to  
40 Article – Public Safety

- 1           The new subtitle designation “Subtitle 7. Freedom of Association and Assembly  
2           Protection Act” to immediately precede Section 3–701  
3           Annotated Code of Maryland  
4           (2011 Replacement Volume)
- 5   BY repealing and reenacting, without amendments,  
6       Article – Public Safety  
7       Section 3–701(a)(1)  
8       Annotated Code of Maryland  
9       (2011 Replacement Volume)
- 10   BY repealing and reenacting, with amendments,  
11       Article – Public Utilities  
12       Section 7–211(h)(5)(iii)2. and 10–104(d)(2)  
13       Annotated Code of Maryland  
14       (2010 Replacement Volume and 2011 Supplement)
- 15   BY repealing and reenacting, with amendments,  
16       Article – Real Property  
17       Section 7–105.9(b)(1), 8A–401, 8A–403(a), 8A–406, 8A–1101(a), 11–109(d)(22),  
18       and 11B–111(1), (3), and (5)  
19       Annotated Code of Maryland  
20       (2010 Replacement Volume and 2011 Supplement)
- 21   BY repealing and reenacting, with amendments,  
22       Article – Real Property  
23       The subtitle designation “Subtitle 13. Retaliatory Actions” to immediately  
24       precede Section 8A–1301  
25       Annotated Code of Maryland  
26       (2010 Replacement Volume and 2011 Supplement)  
27       (As enacted by Chapter 843 of the Acts of the General Assembly of 1980)
- 28   BY repealing and reenacting, without amendments,  
29       Article – Real Property  
30       Section 8A–1301(a)(1)  
31       Annotated Code of Maryland  
32       (2010 Replacement Volume and 2011 Supplement)
- 33   BY repealing and reenacting, with amendments,  
34       Article – State Finance and Procurement  
35       Section 4–604(8), 12–301(b)(3), and 14–303(a)(1)(ii) and (b)(8)  
36       Annotated Code of Maryland  
37       (2009 Replacement Volume and 2011 Supplement)
- 38   BY repealing and reenacting, with amendments,  
39       Article – State Government  
40       Section 9–120(b)(1)(i), 9–1A–01(u)(2)(ii), 9–1A–09.1(d)(1), and 15–102(m)(2)

1 Annotated Code of Maryland  
2 (2009 Replacement Volume and 2011 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article – State Government  
5 Section 10–616(p)(5)(xv)  
6 Annotated Code of Maryland  
7 (2009 Replacement Volume and 2011 Supplement)  
8 (As enacted by Chapter 541 of the Acts of the General Assembly of 2011)

9 BY repealing and reenacting, with amendments,  
10 Article – State Personnel and Pensions  
11 Section 21–307(f), 22–406(c)(9)(iii)2., 23–307(a)(1), 23–407(c)(9)(iii)2., and  
12 24–401.1(c)(2)(ii)1.  
13 Annotated Code of Maryland  
14 (2009 Replacement Volume and 2011 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Tax – General  
17 Section 11–206(a)  
18 Annotated Code of Maryland  
19 (2010 Replacement Volume and 2011 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Tax – Property  
22 Section 2–106(c)  
23 Annotated Code of Maryland  
24 (2007 Replacement Volume and 2011 Supplement)  
25 (As enacted by Chapter 397 of the Acts of the General Assembly of 2011)

26 BY repealing and reenacting, with amendments,  
27 Article – Tax – Property  
28 Section 12–108(y)(1)(ii) and (aa)  
29 Annotated Code of Maryland  
30 (2007 Replacement Volume and 2011 Supplement)

31 BY repealing and reenacting, with amendments,  
32 Article – Transportation  
33 Section 4–312(a)(1)  
34 Annotated Code of Maryland  
35 (2008 Replacement Volume and 2011 Supplement)  
36 (As enacted by Chapter 941 of the Acts of the General Assembly of 1978)

37 BY repealing and reenacting, with amendments,  
38 Article – Transportation  
39 Section 11–117(a), 15–101(g)(2)(ii), 16–111.2(e), 16–115(e), 16–122(a)(2) and (3),  
40 16–205.1(b)(3)(viii)3., and 22–412.1

1 Annotated Code of Maryland  
2 (2009 Replacement Volume and 2011 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article – Transportation  
5 Section 23–202(b)(3)(i)  
6 Annotated Code of Maryland  
7 (2009 Replacement Volume and 2011 Supplement)  
8 (As enacted by Chapters 111 and 112 of the Acts of the General Assembly of  
9 2007)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article 2B – Alcoholic Beverages**

13 11–304.

14 (q) (2) (i) A person may not consume any alcoholic beverages  
15 **BETWEEN 1:30 A.M. AND THE NEXT SUCCEEDING HOUR AUTHORIZED BY LAW**  
16 **FOR SALES TO BEGIN** on any premises open to the general public, or any place of  
17 public entertainment, which holds a:

- 18 1. Class B, Class C, Class D or Class H beer license;  
19 2. Class B, Class C, Class D or Class H beer and light  
20 wine license; or  
21 3. Class B beer, wine and liquor license.

22 (ii) An owner, operator, or manager of the premises or place  
23 may not knowingly permit the consumption of alcoholic beverages between 1:30 a.m.  
24 and the next succeeding hour authorized by law for sales to begin under the respective  
25 licenses listed in **SUBPARAGRAPH (I) OF** this paragraph.

26 **DRAFTER’S NOTE:**

27 Error: Omitted language and incomplete cross–reference in Article 2B,  
28 § 11–304(q)(2)(i) and (ii).

29 Occurred: Ch. 10, Acts of 1996, which enacted a nonsubstantive revision of  
30 former Article 2B, § 11–304(h) (now § 11–304(q)) that failed to properly apply the  
31 limiting phrase “between 1:30 a.m. and the next succeeding hour authorized by law for  
32 sales to begin” to the prohibition on the consumption of alcoholic beverages as well as  
33 to the sales of alcoholic beverages as provided in the original source law. Correction  
34 suggested by Assistant Attorney General Kathryn Rowe, Office of Counsel to the  
35 General Assembly, in a memorandum dated April 25, 2011.

1 11-403.

2 (b) (2) [(xi) For Dorchester County the provisions are subordinate to §  
3 11-510 of this title.]

4 DRAFTER'S NOTE:

5 Error: Obsolete language in Article 2B, § 11-403(b)(2)(xi).

6 Occurred: As a result of Ch. 370, Acts of 2011. Correction suggested by the  
7 Attorney General in the Bill Review Letter for H.B. 973 of 2011 (footnote 20), dated  
8 April 20, 2011.

9 15-112.

10 (d) (2) A commissioner or employee of the Board:

11 (iv) May not receive any salary or other compensation or any  
12 other thing of value from a business engaged in the manufacture, [distributions]  
13 **DISTRIBUTION**, or sale of alcoholic beverages.

14 DRAFTER'S NOTE:

15 Error: Incorrect word usage in Article 2B, § 15-112(d)(2)(iv).

16 Occurred: Ch. 263, Acts of 2011. Correction suggested by the Attorney General  
17 in the Bill Review Letter for S.B. 613 of 2011, dated May 2, 2011.

18 20-106.

19 (c) A bottle club may not give, serve, dispense, keep, or allow to be consumed  
20 on its premises, or on premises under its control or possession, any alcoholic  
21 beverages, setups, or other component parts [or] **OF** mixed alcoholic drinks after legal  
22 closing hours for establishments under § 11-303 of this article.

23 DRAFTER'S NOTE:

24 Error: Incorrect word usage in Article 2B, § 20-106(c).

25 Occurred: Ch. 549, Acts of 1998.

26 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

27 **1-112.**

1           **(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY**  
2 **OR MUNICIPAL CORPORATION MAY:**

3                   **(I) PAY THE WAGE OF AN EMPLOYEE BY DIRECT DEPOSIT**  
4 **AS PROVIDED IN SUBSECTION (B) OF THIS SECTION; AND**

5                   **(II) REQUIRE AN EMPLOYEE TO RECEIVE THE PAYMENT OF**  
6 **WAGES BY DIRECT DEPOSIT AS A CONDITION OF EMPLOYMENT.**

7           **(2) A COUNTY OR MUNICIPAL CORPORATION MAY NOT REQUIRE**  
8 **THE PAYMENT OF WAGES BY DIRECT DEPOSIT FOR AN EMPLOYEE:**

9                   **(I) WHO WAS HIRED BEFORE OCTOBER 1, 2011, UNLESS**  
10 **THE COUNTY OR MUNICIPAL CORPORATION, BEFORE OCTOBER 1, 2011,**  
11 **REQUIRED BY LOCAL LAW, REGULATION, OR COLLECTIVE BARGAINING**  
12 **AGREEMENT, THE PAYMENT OF WAGES BY DIRECT DEPOSIT;**

13                   **(II) WHOSE EMPLOYMENT IS NOT CONDITIONED ON THE**  
14 **EMPLOYEE RECEIVING THE PAYMENT OF WAGES BY DIRECT DEPOSIT; OR**

15                   **(III) WHO:**

16                           **1. DOES NOT HAVE A PERSONAL BANK ACCOUNT;**  
17 **AND**

18                           **2. INFORMS THE EMPLOYEE'S EMPLOYER THAT THE**  
19 **EMPLOYEE WISHES TO OPT OUT OF DIRECT DEPOSIT.**

20           **(3) IF A COUNTY OR MUNICIPAL CORPORATION ELECTS TO PAY**  
21 **WAGES BY DIRECT DEPOSIT, AN EMPLOYEE WHO IS NOT REQUIRED TO RECEIVE**  
22 **THE PAYMENT OF WAGES BY DIRECT DEPOSIT MAY ELECT TO RECEIVE THE**  
23 **PAYMENT OF WAGES BY DIRECT DEPOSIT IN ACCORDANCE WITH SUBSECTION**  
24 **(C) OF THIS SECTION.**

25           **(B) IF A COUNTY OR MUNICIPAL CORPORATION ELECTS TO PAY THE**  
26 **WAGES OF ITS EMPLOYEES BY DIRECT DEPOSIT, THE COUNTY OR MUNICIPAL**  
27 **CORPORATION SHALL:**

28                   **(1) PROVIDE AN EMPLOYEE WHO IS REQUIRED OR ELECTS TO**  
29 **RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT WITH AN ELECTRONIC**  
30 **FUND TRANSFER AUTHORIZATION FORM;**

1           **(2) DEPOSIT THE WAGE OF AN EMPLOYEE INTO A PERSONAL**  
2 **BANK ACCOUNT SELECTED BY THE EMPLOYEE ON THE ELECTRONIC FUND**  
3 **TRANSFER AUTHORIZATION FORM; AND**

4           **(3) EACH TIME THE COUNTY OR MUNICIPAL CORPORATION PAYS**  
5 **THE WAGE OF AN EMPLOYEE BY DIRECT DEPOSIT, PROVIDE THE EMPLOYEE**  
6 **WITH A DIRECT DEPOSIT STATEMENT THAT INCLUDES:**

7                   **(I) THE TOTAL AMOUNT OF THE WAGE;**

8                   **(II) ANY AMOUNT DEDUCTED FROM THE WAGE; AND**

9                   **(III) THE AMOUNT OF THE WAGE DIRECTLY DEPOSITED INTO**  
10 **THE PERSONAL BANK ACCOUNT SELECTED BY THE EMPLOYEE.**

11           **(c) (1) AN EMPLOYEE WHO IS REQUIRED OR ELECTS TO RECEIVE THE**  
12 **PAYMENT OF WAGES BY DIRECT DEPOSIT SHALL COMPLETE AND SUBMIT TO THE**  
13 **COUNTY OR MUNICIPAL CORPORATION THE ELECTRONIC FUND TRANSFER**  
14 **AUTHORIZATION FORM PROVIDED TO THE EMPLOYEE UNDER SUBSECTION (B)**  
15 **OF THIS SECTION.**

16           **(2) AN EMPLOYEE WHO IS REQUIRED OR ELECTS TO RECEIVE THE**  
17 **PAYMENT OF WAGES BY DIRECT DEPOSIT SHALL SELECT A PERSONAL BANK**  
18 **ACCOUNT FOR THE DIRECT DEPOSIT OF THE EMPLOYEE'S WAGES THAT IS AT A**  
19 **FINANCIAL INSTITUTION THAT PARTICIPATES IN THE AUTOMATED**  
20 **CLEARINGHOUSE NETWORK.**

21           **(3) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN**  
22 **EMPLOYEE MAY CHANGE THE PERSONAL BANK ACCOUNT OR THE FINANCIAL**  
23 **INSTITUTION DESIGNATED ON AN ELECTRONIC FUND TRANSFER**  
24 **AUTHORIZATION FORM BY COMPLETING AND SUBMITTING A NEW ELECTRONIC**  
25 **FUND TRANSFER AUTHORIZATION FORM TO THE COUNTY OR MUNICIPAL**  
26 **CORPORATION.**

27           **DRAFTER'S NOTE:**

28           **Error: Codification error.**

29           **Occurred: Ch. 324, Acts of 2011. The provisions shown above as new language**  
30 **added under Article 24, § 1-112 originally were enacted in Ch. 324, Acts of 2011, but**  
31 **were erroneously codified in § 3-502 of the Labor and Employment Article, which is**  
32 **not generally applicable to governmental entities. The provisions shown above are**  
33 **being transferred from § 3-502(d) of the Labor and Employment Article to Article 24 of**  
34 **the Annotated Code, which contains provisions applicable to the political subdivisions**

1 of the State. Correction suggested by the Attorney General in the Bill Review Letter  
2 for H.B. 233 of 2011 (footnote 2), dated April 26, 2011. See also Drafter's Note to §  
3 3-502 of the Labor and Employment Article, as enacted by this Act.

#### 4 **Article 25 – County Commissioners**

5 10–I.

6 (a) The County Commissioners of St. Mary's County may regulate any public  
7 road, street, avenue, lane, alley or bridge, sidewalk, curb, gutter, and storm drainage  
8 facilities within St. Mary's County which is not within the corporate limits of any  
9 incorporated city or town and which has not been designated or maintained as a part  
10 of the State or federal highway system or any extension with respect to:

11 (1) The weight of vehicles;

12 (2) The parking of vehicles;

13 (3) The abandonment of vehicles;

14 (4) Use by private and public utilities in the construction and  
15 maintenance necessitated by the performance of their purpose;

16 (5) The construction and maintenance of driveway connections where  
17 those connections are provided; **AND**

18 (6) The speed of vehicles.

19 **DRAFTER'S NOTE:**

20 Error: Omitted conjunction in Article 25, § 10–I(a).

21 Occurred: Ch. 849, Acts of 1976.

22 19.

23 (b) **[(1)]** The County Commissioners of St. Mary's County shall **[take]:**

24 **(1) TAKE** office on the first Monday in December following their  
25 election; and

26 **(2) [Shall meet] MEET** at least 48 times a year, in accordance with the  
27 St. Mary's County Open Meetings Act.

28 **DRAFTER'S NOTE:**

29 Error: Stylistic errors in Article 25, § 19(b).

1 Occurred: Ch. 47, Acts of 2001.

2 53.

3 (b) The petition shall be accompanied by a report from the local soil  
4 conservation district or districts lying in whole or in part within the proposed  
5 association which shall show the following:

6 (6) The name of the proposed organization [shall], **TO** be styled the  
7 “\_\_\_\_\_ Public Drainage Association”; and

8 DRAFTER’S NOTE:

9 Error: Grammatical error in Article 25, § 53(b)(6).

10 Occurred: Ch. 738, Acts of 1994.

11 121D.

12 The board of drainage commissioners shall advertise for bids for the  
13 construction of the improvement either as a whole or in parts to be let to the lowest  
14 responsible bidder or [bidders, the] **BIDDERS**. **THE** board shall have the right to reject  
15 any or all bids and readvertise. They shall make such terms for payment with the  
16 contractor as they deem proper, and fix the amount of the contractor’s bond which  
17 shall be given in favor of the board of drainage commissioners.

18 DRAFTER’S NOTE:

19 Error: Grammatical error in Article 25, § 121D.

20 Occurred: Ch. 656, Acts of 1912.

21 174.

22 At the hearing, the petitioners, [and] the affected soil conservation district or  
23 districts being represented, **AND** any person interested in the matter may appear in  
24 person or by counsel and make known his objection to any part of the report. The  
25 county commissioners may, in their discretion, disapprove the petition and report and  
26 refer them back to the petitioners for amendment in view of the objections presented,  
27 or they may approve the petition and report as submitted or as it may have been  
28 amended. Upon approval of the petition and report the commissioners shall declare  
29 established an organization, to be known as the ..... Public Watershed  
30 Association, composed of the owners of all the lands within the boundaries of the  
31 Association.

32 DRAFTER’S NOTE:

1 Error: Misplaced conjunction in Article 25, § 174.

2 Occurred: Ch. 588, Acts of 1959.

3 **Article 25B – Home Rule for Code Counties**

4 13H.

5 (j) From the total revenue derived from a tax imposed under this section, the  
6 county commissioners shall:

7 (1) Deduct a reasonable percentage not to exceed 5% for the cost of  
8 imposing and collecting the tax; **AND**

9 (2) After the deduction in item (1) of this subsection, distribute the  
10 revenue to the appropriate authority to be deposited in a sinking fund and used for the  
11 sole purpose of paying the principal and interest on bonds issued relating to a  
12 convention center facility in accordance with the provisions of subsection (b)(1) of this  
13 section.

14 **DRAFTER’S NOTE:**

15 Error: Omitted conjunction in Article 25B, § 13H(j).

16 Occurred: Ch. 641, Acts of 1995. Correction by the publisher of the Annotated  
17 Code in the 2011 Replacement Volume for Article 2B is ratified by this Act.

18 **Article – Agriculture**

19 Title 10. Promotion and Identification of Agricultural Products.

20 **[Subtitle 13. Aquaculture.]**

21 **DRAFTER’S NOTE:**

22 Error: Obsolete subtitle in Title 10 of the Agriculture Article.

23 Occurred: As a result of Ch. 411, Acts of 2011, which, by repealing §§ 10–1301  
24 and 10–1302 and transferring § 10–1303 of the Agriculture Article to be § 4–11A–03.2  
25 of the Natural Resources Article, removed all provisions of law from former Title 10,  
26 Subtitle 13 of the Agriculture Article.

27 **Article – Business Occupations and Professions**

28 Subtitle 5. Miscellaneous [Provision] **PROVISIONS.**

1 9–501.

2 Before a licensed landscape architect issues to a client or submits to a public  
3 authority any final drawing, plan, specification, report, or other document, the  
4 licensed landscape architect who prepared or approved the document shall sign, seal,  
5 and date the document.

6 DRAFTER’S NOTE:

7 Error: Incorrect word usage in the subtitle designation “Subtitle 5.  
8 Miscellaneous Provision”, immediately preceding § 9–501 of the Business Occupations  
9 and Professions Article.

10 Occurred: Ch. 3, Acts of 1989.

11 16–211.

12 (a) The Commission shall refer to the [Hearing Board] **APPROPRIATE**  
13 **HEARING BOARD** for a hearing any matter for which a hearing may be required under  
14 § 16–701, § 16–701.1, or § 16–701.2 of this title.

15 (b) The [Hearing Board] **HEARING BOARD** may exercise the same powers  
16 and shall conduct a hearing in accordance with the same procedures applicable to the  
17 Commission under § 16–602 of this title.

18 (c) (1) The [Hearing Board] **HEARING BOARD** shall determine if there is  
19 a reasonable basis to believe that there are grounds for disciplinary action under this  
20 title against a licensee.

21 (2) (i) If the [Hearing Board] **HEARING BOARD** finds a reasonable  
22 basis as provided under paragraph (1) of this subsection, the [Hearing Board]  
23 **HEARING BOARD** shall:

- 24 1. hold a hearing on the matter; and  
25 2. file its finding with the Commission.

26 (ii) If the [Hearing Board] **HEARING BOARD** does not find a  
27 reasonable basis as provided under paragraph (1) of this subsection, the [Hearing  
28 Board] **HEARING BOARD** shall dismiss the complaint.

29 (3) A [Hearing Board] **HEARING BOARD** shall advise the Commission  
30 specifically of any action brought against a licensee as a result of monetary loss,  
31 misappropriation of money, or fraud.

1 (d) (1) (i) Within 15 days after the filing of a decision by a [Hearing  
2 Board] **HEARING BOARD**, the Commission or any of its members may file an  
3 exception to the decision of the [Hearing Board] **HEARING BOARD**.

4 (ii) On the filing of an exception under subparagraph (i) of this  
5 paragraph, the Commission shall set a hearing on the matter.

6 (2) If an exception is not filed within the time allowed under  
7 paragraph (1)(i) of this subsection:

8 (i) the decision of the [Hearing Board] **HEARING BOARD** shall  
9 be considered as the final decision of the Commission; and

10 (ii) any party aggrieved by the decision may take a judicial  
11 appeal as provided in this title.

12 **DRAFTER'S NOTE:**

13 Error: Capitalization errors in § 16–211 of the Business Occupations and  
14 Professions Article.

15 Occurred: Ch. 269, Acts of 2011.

16 **Article – Business Regulation**

17 5–403.

18 To qualify for a permit, a corporation, limited liability company, or partnership  
19 shall:

20 (4) comply with [§ 5–303(b)(4) and §] **§§ 5–303(B)(4) AND** 5–304 of  
21 this title.

22 **DRAFTER'S NOTE:**

23 Error: Stylistic error in § 5–403(4) of the Business Regulation Article.

24 Occurred: Ch. 186, Acts of 2001.

25 12–301.

26 (b) Each pawnbroker shall make a written record, on a form provided by the  
27 Secretary, of each business transaction that involves:

28 (1) lending money on pledge of personal property, other than a  
29 security or printed evidence of indebtedness; **[or]**

## 1 DRAFTER'S NOTE:

2 Error: Extraneous conjunction in § 12–301(b)(1) of the Business Regulation  
3 Article.

4 Occurred: Ch. 547, Acts of 1993.

5 16.5–101.

6 (c) “License” means:

7 (1) a license issued by the Comptroller under § 16.5–204(a) of this title  
8 to:

9 (i) act as a licensed other tobacco products manufacturer;

10 (ii) act as an other tobacco products wholesaler; **OR**

11 (iii) act as an other tobacco products storage warehouse; or

12 (2) a license issued by the clerk under § 16.5–204(b) of this title to act  
13 as an other tobacco products retailer or a tobacconist.

## 14 DRAFTER'S NOTE:

15 Error: Omitted conjunction in § 16.5–101(c)(1) of the Business Regulation  
16 Article.

17 Occurred: Ch. 388, Acts of 2010.

18 17–1012.

19 (a) In this section, “historic marker or plaque” means a marker, plaque, or  
20 tablet commemorating [an] A historic person or event, or identifying [an] A historic  
21 place, structure, or object.

22 (c) (1) Each junk dealer, scrap metal processor, or antique dealer subject  
23 to this section who purchases [an] A historic marker or plaque shall register with the  
24 sheriff or other law enforcement official designated by the governing body of the  
25 county in which the business of the junk dealer, scrap metal processor, or antique  
26 dealer is located a complete description of the historic marker or plaque.

27 (e) [An] A historic marker or plaque may not be sold or otherwise disposed of  
28 for a period of 30 days from the date of the notice required under subsection (d) of this  
29 section.

1 DRAFTER'S NOTE:

2 Error: Grammatical errors in § 17–1012(a), (c)(1), and (e) of the Business  
3 Regulation Article.

4 Occurred: Ch. 284, Acts of 1993.

5 [Part III. Calvert County Licensing.]

6 DRAFTER'S NOTE:

7 Error: Obsolete part designation in Title 17, Subtitle 10 of the Business  
8 Regulation Article.

9 Occurred: As a result of Ch. 110, Acts of 2011, which repealed §§ 17–1015  
10 through 17–1024 of the Business Regulation Article, thereby repealing all provisions  
11 of law formerly included under the part designation “Part III. Calvert County  
12 Licensing”.

13 **Article – Commercial Law**

14 12–1026.

15 (a) (1) In this section the following words have the meanings indicated.

16 (2) [“Lending institution” means a bank, savings bank, or savings and  
17 loan association doing business in Maryland.

18 (3) [“Escrow account” means an expense or escrow account which tends  
19 to protect the security of a loan by the accumulation of funds for the payment of taxes,  
20 insurance premiums, or other expenses.

21 **(3) “LENDING INSTITUTION” MEANS A BANK, SAVINGS BANK, OR**  
22 **SAVINGS AND LOAN ASSOCIATION DOING BUSINESS IN MARYLAND.**

23 DRAFTER'S NOTE:

24 Error: Stylistic error (failure to codify definitions in alphabetical order) in  
25 § 12–1026(a)(2) and (3) of the Commercial Law Article.

26 Occurred: Ch. 404, Acts of 1993.

27 13–204.

28 In addition to any other of its powers and duties, the Division has the powers  
29 and duties to:

1           (14)   **[(i)]**   Maintain a list of nonprofit organizations that:

2                           **[1.] (I)**   Solely offer counseling or advice to homeowners  
3 in foreclosure or loan default; and

4                           **[2.] (II)**   Are not directly or indirectly related to and do  
5 not contract for services with for-profit lenders or foreclosure purchasers, as defined in  
6 § 7–301 of the Real Property Article[; and

7                           (ii)   Provide the name and telephone number of an organization  
8 on the list to a homeowner who contacts the Division after receiving a notice under §  
9 7–105.1(d)(2)(ix) of the Real Property Article].

10           DRAFTER’S NOTE:

11           Error: Obsolete language in § 13–204(14)(ii) of the Commercial Law Article.

12           Occurred: As a result of Ch. 355, Acts of 2011, which repealed  
13 § 7–105.1(d)(2)(ix) of the Real Property Article.

14   14–1310.

15           (b)   (1)   “Commercial establishment” does not include:

16                           (ii)   **[Day] CHILD** care centers;

17           DRAFTER’S NOTE:

18           Error: Obsolete terminology in § 14–1310(b)(1)(ii) of the Commercial Law  
19 Article.

20           Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the  
21 State Department of Education, Early Childhood Development Division, which is  
22 responsible for early child care and education in the State. The correction is consistent  
23 with the intent of similar conforming changes required to be made by the publisher of  
24 the Annotated Code under Ch. 564, § 3, Acts of 2011.

25   14–1805.

26           (a)   In any action brought to enforce this **[section] SUBTITLE**, a court may  
27 award reasonable attorney’s fees to a prevailing plaintiff, other than the Attorney  
28 General.

29           DRAFTER’S NOTE:

1 Error: Erroneous internal reference in § 14–1805(a) of the Commercial Law  
2 Article.

3 Occurred: Ch. 703, Acts of 1985 (which enacted § 14–1805(a) as § 14–1705(a)).

4 **Article – Corporations and Associations**

5 5–6B–03.

6 (d) (1) Any developer who, in disclosing the information required under  
7 [subsections (a) and (b) of § 5–6B–02] **§ 5–6B–02(A) AND (B)** of this subtitle, makes  
8 an untrue statement of a material fact, or omits to state a material fact necessary in  
9 order to make the statements made not [misleading,] **MISLEADING** in the light of  
10 circumstances under which they were made, shall be liable to a person purchasing a  
11 cooperative interest from the developer.

12 (3) A developer may not be liable under paragraph (1) of this  
13 subsection if the developer, after reasonable investigation, had reasonable grounds to  
14 believe, and did believe, at the time the information required to be disclosed under §  
15 5–6B–02 of this [subtitle,] **SUBTITLE** was provided to the purchaser, [that the] **THAT:**

16 (I) **THE** statements were [true,] **TRUE**; and

17 (II) [that there] **THERE** was no omission to state a material fact  
18 necessary to make the statements not misleading.

19 **DRAFTER’S NOTE:**

20 Error: Stylistic and grammatical errors in § 5–6B–03(d)(1) and (3) of the  
21 Corporations and Associations Article.

22 Occurred: Chs. 833 and 834, Acts of 1986.

23 **Article – Courts and Judicial Proceedings**

24 3–819.

25 (c) In addition to any action under subsection [(b)(2)] **(B)(1)(III)** of this  
26 section, the court may:

27 (1) (i) Place a child under the protective supervision of the local  
28 department on terms the court considers appropriate;

29 (ii) Grant limited guardianship to the department or an  
30 individual or both for specific purposes including medical and educational purposes or

1 for other appropriate services if a parent is unavailable, unwilling, or unable to  
2 consent to services that are in the best interest of the child; or

3 (iii) Order the child and the child's parent, guardian, or  
4 custodian to participate in rehabilitative services that are in the best interest of the  
5 child and family; and

6 (2) Determine custody, visitation, support, or paternity of a child in  
7 accordance with § 3-803(b) of this subtitle.

8 DRAFTER'S NOTE:

9 Error: Erroneous internal reference in § 3-819(c) of the Courts and Judicial  
10 Proceedings Article.

11 Occurred: As a result of Ch. 404, Acts of 2005 and Ch. 461, Acts of 2007.  
12 Correction recommended by the Office of the Attorney General, Counsel to the General  
13 Assembly.

## 14 Article – Criminal Law

15 2-303.

16 (h) (2) If the court or jury finds beyond a reasonable doubt that one or  
17 more of the aggravating circumstances under subsection (g) of this section [exist]  
18 **EXISTS**, it then shall consider whether any of the following mitigating circumstances  
19 exists based on a preponderance of the evidence:

20 (i) the defendant previously has not:

21 1. been found guilty of a crime of violence;

22 2. entered a guilty plea or a plea of nolo contendere to a  
23 charge of a crime of violence; or

24 3. received probation before judgment for a crime of  
25 violence;

26 (ii) the victim was a participant in the conduct of the defendant  
27 or consented to the act that caused the victim's death;

28 (iii) the defendant acted under substantial duress, domination,  
29 or provocation of another, but not so substantial as to constitute a complete defense to  
30 the prosecution;

31 (iv) the murder was committed while the capacity of the  
32 defendant to appreciate the criminality of the defendant's conduct or to conform that

1 conduct to the requirements of law was substantially impaired due to emotional  
2 disturbance, mental disorder, or mental incapacity;

3 (v) the defendant was of a youthful age at the time of the  
4 murder;

5 (vi) the act of the defendant was not the sole proximate cause of  
6 the victim's death;

7 (vii) it is unlikely that the defendant will engage in further  
8 criminal activity that would be a continuing threat to society; or

9 (viii) any other fact that the court or jury specifically sets forth in  
10 writing as a mitigating circumstance in the case.

11 DRAFTER'S NOTE:

12 Error: Grammatical error in § 2-303(h)(2) of the Criminal Law Article.

13 Occurred: Ch. 26, Acts of 2002.

14 3-902.

15 (a) (5) (i) "Private place" means a room in which a person can  
16 reasonably be expected to fully or partially disrobe and has a reasonable expectation of  
17 privacy, in:

18 8. any part of a [day] **FAMILY CHILD** care home used for  
19 the care and custody of a child; or

20 DRAFTER'S NOTE:

21 Error: Obsolete terminology in § 3-902(a)(5)(i)8 of the Criminal Law Article.

22 Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the  
23 State Department of Education, Early Childhood Development Division, which is  
24 responsible for early child care and education in the State. The correction is consistent  
25 with the intent of similar conforming changes required to be made by the publisher of  
26 the Annotated Code under Ch. 564, § 3, Acts of 2011.

27 3-903.

28 (b) This section does not apply to:

29 (6) any part of a private residence used for business purposes,  
30 including any part of a private residence used as a [day] **FAMILY CHILD** care home for  
31 the care and custody of a child;

1 DRAFTER'S NOTE:

2 Error: Obsolete terminology in § 3–903(b)(6) of the Criminal Law Article.

3 Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the  
4 State Department of Education, Early Childhood Development Division, which is  
5 responsible for early child care and education in the State. The correction is consistent  
6 with the intent of similar conforming changes required to be made by the publisher of  
7 the Annotated Code under Ch. 564, § 3, Acts of 2011.

8 **Article – Criminal Procedure**

9 10–231.1.

10 (c) (2) In accordance with [§§ 10–201 through 10–250 of] this subtitle, the  
11 Central Repository shall forward to the prospective employee or volunteer and the  
12 County Administrative Officer of Baltimore County or the designee of the officer the  
13 prospective employee's or volunteer's criminal history record information.

14 DRAFTER'S NOTE:

15 Error: Extraneous language in § 10–231.1(c)(2) of the Criminal Procedure  
16 Article.

17 Occurred: Chs. 27 and 28, Acts of 2009.

18 11–701.

19 (l) “Sex offender” means a person who has been convicted of:

20 (3) an offense in a court of Canada, Great Britain, Australia, New  
21 Zealand, or any other foreign country [when] **WHERE** the United States Department  
22 of State has determined in its Country Reports on Human Rights Practices that an  
23 independent judiciary generally or vigorously enforced the right to a fair trial during  
24 the year in which the conviction occurred that, if committed in this State, would  
25 require the person to be classified as a tier I sex offender, tier II sex offender, or tier  
26 III sex offender.

27 DRAFTER'S NOTE:

28 Error: Incorrect word usage in § 11–701(l)(3) of the Criminal Procedure Article.

29 Occurred: Chs. 174 and 175, Acts of 2010.

30 11–723.

1 (d) (3) The conditions of lifetime sexual offender supervision may include:

2 (ii) where appropriate and feasible, restricting a person from  
3 living in proximity to or loitering near schools, family child care [centers] HOMES,  
4 child care centers, and other places used primarily by minors;

5 DRAFTER'S NOTE:

6 Error: Obsolete terminology in § 11-723(d)(3)(ii) of the Criminal Procedure  
7 Article.

8 Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the  
9 State Department of Education, Early Childhood Development Division, which is  
10 responsible for early child care and education in the State. The correction is consistent  
11 with the intent of similar conforming changes required to be made by the publisher of  
12 the Annotated Code under Ch. 564, § 3, Acts of 2011.

13 **Article – Education**

14 3-1001.

15 (b) School board district I consists of:

16 (1) Election district 10;

17 (2) Election district 1, precincts 1 through 7;

18 (3) Election district 14, precinct 8;

19 (4) Election district 21, precincts [5] 14 and 97; AND

20 (5) That part of election district 14, precinct 11 that consists of:

21 (i) Census tract 8004.01, blocks 1000 through 1009, 1011  
22 through 1013, and 1024;

23 (ii) Census tract 8004.10, blocks 2000 through 2008, 2012, 2013,  
24 2015 through 2025, 2031 through 2035, 2081 through 2083, 2088, 3000 through 3004,  
25 3008, 3013, 3034, 3035, 3044, 3045, 3048, 3049, 3051, and 3053 through 3055; and

26 (iii) Census tract 8004.11, blocks 1012 through 1020, 1034  
27 through 1057, 1109, 1111, and 2000 through 2020[; and

28 (6) That part of election district 21, precinct 14 that consists of:

29 (i) Census tract 8073.01, blocks 1004, 1005, and 2000 through  
30 2002;

1 (ii) Census tract 8073.04, blocks 1004 through 1016, 1019  
2 through 1023, and 1027 through 1030;

3 (iii) Census tract 8073.05, blocks 1000, 1001, 2000, and 3057  
4 through 3090; and

5 (iv) Census tract 8074.09, blocks 2017 through 2023].

6 (d) School board district III consists of:

7 (1) Election district 17;

8 (2) Election district 2, precinct 98;

9 (3) Election district 16, precincts 1 through 5 and 98;

10 (4) Election district 19, precinct 3; [and]

11 **(5) ELECTION DISTRICT 21, PRECINCT 5; AND**

12 **[(5)] (6)** That part of election district 21, precinct 12 that consists of  
13 census tract 8064.00, block 1027.

14 (g) School board district VI consists of:

15 (1) Election district 6, precinct 19;

16 (2) Election district 7, precinct 12;

17 (3) Election district 13, precincts 1, 4 through 7, [and] 9 through **13,**  
18 **15, AND 16;**

19 (4) Election district 18, precincts 1 through 4 and 6 through 11;

20 (5) Election district 20, precinct 3; and

21 (6) That part of election district 6, precinct 20 that consists of:

22 (i) Census tract 8022.04, blocks 1000, 1001, 1003 through 1009,  
23 1014 through 1017, 2000 through 2002, 2004, 2005, 2007, 2018, 2019, and 3000  
24 through 3022; and

25 (ii) Census tract 8024.04, blocks 3006, 3007, and 3021.

26 DRAFTER'S NOTE:

1 Error: Technical errors in descriptions of school board districts in § 3–1001(b),  
2 (d), and (g) of the Education Article.

3 Occurred: Ch. 3, Acts of the First Special Session of 2011. Corrections are  
4 technical in nature and are consistent with the intent of the General Assembly as  
5 reflected in the map that creates the districts.

6 7–109.

7 (a) If the program and public school facility comply with the rules and  
8 regulations of the Department [of Human Resources] that govern group [day] CHILD  
9 care centers, each county board:

10 (1) Shall give priority to nonprofit [day] CHILD care programs for use  
11 of public school facilities before and after school hours;

12 (2) May make space available during school hours; and

13 (3) May lease any part of public school property for the construction or  
14 operation of a [day] CHILD care center if:

15 (i) The county board determines that the property will not be  
16 needed for public school use during the term of the lease; and

17 (ii) The term of the lease is not greater than 20 years.

18 (b) Each county board shall adopt rules and regulations for implementing  
19 this program that are consistent with the rules and regulations of the Department [of  
20 Human Resources] that govern group [day] CHILD care centers.

21 (c) Any additional costs incurred in the administration or support of these  
22 [day] CHILD care services shall be paid by the sponsoring organizations in accordance  
23 with an annual agreement with the county board that made the facilities available.

24 DRAFTER'S NOTE:

25 Error: Obsolete terminology in § 7–109 of the Education Article.

26 Occurred: As a result of Ch. 585, Acts of 2005, which transferred responsibility  
27 for day care programs from the Department of Human Resources to the State  
28 Department of Education (defined as “Department” in the Education Article) and Ch.  
29 564, Acts of 2011. Correction was suggested by the State Department of Education,  
30 Early Childhood Development Division, and is consistent with the intent of similar  
31 conforming changes required to be made by the publisher of the Annotated Code under  
32 Ch. 564, § 3, Acts of 2011.

1 11–203.

2 (b) [Subject to subsection (d)(3)(ii)2 of this section, any] **ANY** bond or  
3 guarantee required under this section shall be in the form and amount the Secretary  
4 requires.

5 DRAFTER’S NOTE:

6 Error: Obsolete language in § 11–203(b) of the Education Article, as enacted by  
7 Ch. 277, Acts of 2011.

8 Occurred: As a result of Ch. 277, § 5, Acts of 2011 which provides for the  
9 termination of § 11–203(d)(3)(ii)2 of the Education Article, as enacted by Ch. 277, § 2,  
10 Acts of 2011, at the end of June 30, 2013. Correction by the publisher of the Annotated  
11 Code in the 2011 Supplement of the Education Article is ratified by this Act.

12 18–403.

13 If a Senator serves from a legislative district [comprised] **COMPOSED** of more  
14 than one [county] **COUNTY**, the number of scholarship units shall be divided as  
15 equally as possible among qualified applicants from each county in the legislative  
16 district.

17 DRAFTER’S NOTE:

18 Error: Grammatical error in § 18–403 of the Education Article.

19 Occurred: Ch. 22, Acts of 1978.

20 18–604.

21 (a) For purposes of this section, an individual served in the Afghanistan or  
22 Iraq conflict if the individual was a member of the [uniform] **UNIFORMED** services of  
23 the United States who served in:

24 (1) Afghanistan or contiguous air space, as defined in federal  
25 regulations, on or after October 24, 2001, and before a terminal date to be prescribed  
26 by the United States Secretary of Defense; or

27 (2) Iraq or contiguous waters or air space, as defined in federal  
28 regulations, on or after March 19, 2003, and before a terminal date to be prescribed by  
29 the United States Secretary of Defense.

30 DRAFTER’S NOTE:

31 Error: Incorrect word usage in § 18–604(a) of the Education Article.

1 Occurred: Ch. 290, Acts of 2006.

2 18–705.

3 (c) (2) A recipient of a tuition assistance award under this section shall:

4 (i) Be selected by the Office of Student Financial Assistance  
5 from qualified applicants based on competitive standards;

6 (ii) 1. Be enrolled as a:

7 [1.] A. Full–time student in an eligible program; or

8 [2.] B. Part–time student in an eligible program if the  
9 student submits to the Office of Student Financial Assistance evidence of authorized  
10 employment as a child care provider; or

11 [(iii)] 2. Sign a letter of intent to enroll at an eligible  
12 institution as a:

13 [1.] A. Full–time student in an eligible program; or

14 [2.] B. Part–time student in an eligible program, if  
15 evidence of authorized employment as a child care provider is submitted with the  
16 letter of intent; and

17 [(iv)] (III) Satisfy any additional criteria the Office of Student  
18 Financial Assistance may establish.

19 (4) [(i)] A recipient of tuition assistance may reapply for an award if  
20 the recipient:

21 (I) 1. Remains enrolled as a full–time student in an eligible  
22 program; or

23 2. Remains enrolled as a part–time student and  
24 continues to hold authorized employment as a child care provider; and

25 (ii) Satisfies any additional criteria the Office of Student  
26 Financial Assistance may establish.

27 DRAFTER’S NOTE:

28 Error: Tabulation errors in § 18–705(c)(2) and (4) of the Education Article.

1 Occurred: Ch. 462, Acts of 1991; Ch. 65, Acts of 2011.

2 23–205.

3 (b) (2) Before any money is spent under this subsection, the appropriate  
4 board of library trustees shall:

5 (i) Have the project approved by the Department;

6 (ii) Through the Department, submit the request to the  
7 Department of Budget and Management for consideration under [Subtitle 6, Title 3]  
8 **TITLE 3, SUBTITLE 6** of the State Finance and Procurement Article; and

9 (iii) Agree to reimburse the Department an amount the  
10 Department determines if the facility ceases to be used for a resource center or  
11 cooperative service program.

12 DRAFTER'S NOTE:

13 Error: Stylistic error in § 23–205(b)(2)(ii) of the Education Article.

14 Occurred: Ch. 540, Acts of 1989.

15 **Article – Election Law**

16 5–305.

17 (c) (1) The petition must be filed 6 days after the filing dates provided in  
18 [§§ 5–303 and 5–703(c)] **§ 5–303 OF THIS SUBTITLE AND § 5–703(C)** of this title.

19 DRAFTER'S NOTE:

20 Error: Stylistic error in § 5–305(c)(1) of the Election Law Article.

21 Occurred: Ch. 169, Acts of 2011.

22 9–207.

23 (a) The State Board shall certify the content and arrangement of each ballot:

24 (1) for a primary election, no more than 11 days after the filing date  
25 provided in § 5–303 of this [title] **ARTICLE**;

26 DRAFTER'S NOTE:

27 Error: Stylistic error in § 9–207(a)(1) of the Election Law Article.

1 Occurred: Ch. 169, Acts of 2011.

2 9–209.

3 (a) Within 2 days after the content and arrangement of the ballot are  
4 certified under § 9–207 of this subtitle, a registered voter may seek judicial review of  
5 the content and arrangement, or to correct any other error, by filing a sworn petition  
6 with the circuit court for [the county] **ANNE ARUNDEL COUNTY**.

7 (b) The circuit court may require the [local board] **STATE BOARD** to:

8 (1) correct an error;

9 (2) show cause why an error should not be corrected; or

10 (3) take any other action required to provide appropriate relief.

11 (c) If an error is discovered after the ballots have been printed, and the [local  
12 board] **STATE BOARD** fails to correct the error, a registered voter may seek judicial  
13 review not later than the second Monday preceding the election.

14 **DRAFTER’S NOTE:**

15 Error: Erroneous entity designations in § 9–209 of the Election Law Article.

16 Occurred: As a result of Ch. 169, Acts of 2011, which, under § 9–207 of the  
17 Election Law Article, consolidated responsibility for certifying the content and  
18 arrangement of ballots in the State Board, headquartered in Anne Arundel County.  
19 Correction recommended by the Attorney General in the Bill Review Letter for H.B.  
20 671 (footnote 6), dated May 2, 2011.

21 10–310.

22 (c) (4) If the voter requires the assistance of another in [voting.] **VOTING**  
23 but declines to select an individual to assist, an election judge, in the presence of  
24 another election judge that represents another political party, shall assist the voter in  
25 the manner prescribed by the voter.

26 **DRAFTER’S NOTE:**

27 Error: Extraneous comma in § 10–310(c)(4) of the Election Law Article.

28 Occurred: Ch. 585, Acts of 2011.

29 13–227.

1 (b) The limit on transfers set forth in subsection (c) of this section does not  
2 apply to a transfer:

3 (1) by a campaign finance entity to a ballot issue committee; **AND**

4 (2) between or among:

5 (i) political committees that are State or local central  
6 committees of the same political party;

7 (ii) a slate and the campaign finance entities of its members;  
8 and

9 (iii) the campaign finance entities of a candidate.

10 DRAFTER'S NOTE:

11 Error: Omitted conjunction in § 13–227(b)(1) of the Election Law Article.

12 Occurred: Ch. 291, Acts of 2002.

### 13 Article – Environment

14 6–819.

15 (a) The modified risk reduction standard shall consist of performing the  
16 following:

17 (2) Performing the following lead hazard reduction treatments:

18 (viii) [Ensure] **ENSURING** that all kitchen and bathroom floors  
19 are overlaid with a smooth, water-resistant covering; and

20 DRAFTER'S NOTE:

21 Error: Grammatical error in § 6–819(a)(2)(viii) of the Environment Article.

22 Occurred: Ch. 114, Acts of 1994.

23 9–1605.2.

24 (h) (2) The Comptroller shall:

25 (i) Deposit 60% of the funds in the separate account to be used  
26 for:

1                   1.     Subject to paragraph (3) of this subsection, with  
 2 priority first given to failing systems and holding tanks located in the Chesapeake and  
 3 Atlantic Coastal Bays Critical Area and then to failing systems that the Department  
 4 determines are a threat to public health or water quality, grants or loans for up to  
 5 100% of:

6                   E.     The cost, up to the sum of the costs authorized under  
 7 item 1C of this item for each individual system, of connecting a property using an  
 8 onsite sewage disposal system to an existing municipal wastewater facility that is  
 9 achieving enhanced nutrient removal level [treatment.] **TREATMENT; AND**

10                   **DRAFTER'S NOTE:**

11                   Error: Stylistic error in § 9–1605.2(h)(2)(i)1E of the Environment Article.

12                   Occurred: Chs. 492 and 493, Acts of 2011.

13                   15–1201.

14                   (b)    [“Mineral interest” means an interest in a mineral estate, however  
 15 created and regardless of form, whether absolute or fractional, divided or undivided,  
 16 corporeal or incorporeal, including a fee simple or any lesser interest or any kind of  
 17 royalty, production payment, executive right, nonexecutive right, leasehold, or lien in  
 18 minerals, regardless of character.

19                   (c)]    “Mineral” includes:

20                   (1)    Gas;

21                   (2)    Oil and oil shale;

22                   (3)    Coal;

23                   (4)    Gaseous, liquid, and solid hydrocarbons;

24                   (5)    Cement materials, sand and gravel, road materials, and building  
 25 stone;

26                   (6)    Chemical substances;

27                   (7)    Gemstone, metallic, fissionable, and nonfissionable ores; and

28                   (8)    Colloidal and other clay, steam, and geothermal resources.

29                   **(C)    “MINERAL INTEREST” MEANS AN INTEREST IN A MINERAL ESTATE,**  
 30 **HOWEVER CREATED AND REGARDLESS OF FORM, WHETHER ABSOLUTE OR**

1 FRACTIONAL, DIVIDED OR UNDIVIDED, CORPOREAL OR INCORPOREAL,  
2 INCLUDING A FEE SIMPLE OR ANY LESSER INTEREST OR ANY KIND OF ROYALTY,  
3 PRODUCTION PAYMENT, EXECUTIVE RIGHT, NONEXECUTIVE RIGHT,  
4 LEASEHOLD, OR LIEN IN MINERALS, REGARDLESS OF CHARACTER.

5 DRAFTER'S NOTE:

6 Error: Stylistic error (failure to codify definitions in alphabetical order) in §  
7 15–1201(b) and (c) of the Environment Article.

8 Occurred: Chs. 268 and 269, Acts of 2010.

9 **Article – Estates and Trusts**

10 4–409.

11 A legacy for charitable use may not be void because of an uncertainty with  
12 respect to the donees if:

13 (2) A corporation is formed in accordance with the directions, capable  
14 and willing to receive and administer the legacy, within 12 months from the probate of  
15 the will, if the legacy is immediate and not subject to a life estate. If the legacy is  
16 subject to a life [estate] **ESTATE**, a corporation shall be formed at a time between  
17 probate of the will and the end of 12 months following the expiration of a life estate or  
18 life estates.

19 DRAFTER'S NOTE:

20 Error: Omitted comma in § 4–409(2) of the Estates and Trusts Article.

21 Occurred: Ch. 11, Acts of 1974.

22 14–107.

23 (f) (2) (ii) A beneficiary who has a present interest in the trust estate  
24 shall receive an amount equal to the present value of an annuity equal to the  
25 beneficiary's proportionate share of the average net annual income of the trust as of its  
26 last 3 anniversary dates for a term equal to the life expectancy of the beneficiary, at  
27 the interest rate for valuing vested benefits provided by the Pension Benefit  
28 [Guarantee] **GUARANTY** Corporation for the month immediately preceding the date of  
29 which the notice under subsection (c)(1) of this section is sent.

30 DRAFTER'S NOTE:

31 Error: Misspelling in § 14–107(f)(2)(ii) of the Estates and Trusts Article.

1 Occurred: Ch. 170, 1991.

2 **Article – Family Law**

3 4–509.

4 (a) A person who fails to comply with the relief granted in an interim  
5 protective order under § 4–504.1(c)(1), (2), (3), (4)(i), (7), or (8) of this subtitle, a  
6 temporary protective order under § 4–505(a)(2)(i), (ii), (iii), (iv), (v), or (viii) of this  
7 subtitle, or a final protective order under § 4–506(d)(1), (2), (3), (4), or (5), or **[(e)] (F)** of  
8 this subtitle is guilty of a misdemeanor and on conviction is subject, for each offense,  
9 to:

10 (1) for a first offense, a fine not exceeding \$1,000 or imprisonment not  
11 exceeding 90 days or both; and

12 (2) for a second or subsequent offense, a fine not exceeding \$2,500 or  
13 imprisonment not exceeding 1 year or both.

14 **DRAFTER’S NOTE:**

15 Error: Erroneous cross reference in § 4–509(a) of the Family Law Article.

16 Occurred: As a result of Chs. 361 and 362, Acts of 2010.

17 Subtitle 1. **[Definition] DEFINITIONS.**

18 5–101.

19 (a) In this title the following words have the meanings indicated.

20 **DRAFTER’S NOTE:**

21 Error: Erroneous subtitle designation immediately preceding § 5–101 of the  
22 Family Law Article.

23 Occurred: As a result of Ch. 464, Acts of 2005, which added several definitions  
24 to § 5–101 of the Family Law Article.

25 12–201.

26 **[(i) “Ordinary and necessary expenses” does not include amounts allowable**  
27 **by the Internal Revenue Service for the accelerated component of depreciation**  
28 **expenses or investment tax credits or any other business expenses determined by the**  
29 **court to be inappropriate for determining actual income for purposes of calculating**  
30 **child support.]**



1 Error: Grammatical error in § 4–906(2) of the Financial Institutions Article.

2 Occurred: Ch. 355, Acts of 1986.

3 8–303.

4 (b) Without limiting the authority conferred by subsection (a) of this section,  
5 the Division Director may adopt regulations consistent with the provisions of this title  
6 and Title 9 of this article with respect to:

7 (21) Reports which may be required by the **DIVISION** Director;

8 DRAFTER’S NOTE:

9 Error: Misnomer in § 8–303(b)(21) of the Financial Institutions Article.

10 Occurred: Ch. 282, Acts of 1986. Note: the term “Division Director” is defined for  
11 Titles 8 and 9 of the Financial Institutions Article in § 8–101 of that article.

12 8–404.

13 Subject to the evaluation and reestablishment provisions of the Program  
14 Evaluation Act, the provisions of this subtitle relating to the Division of Savings and  
15 Loan Associations and relating to the [regulations] **REGULATION** of savings and loan  
16 associations are of no effect and may not be enforced after July 1, 1992.

17 DRAFTER’S NOTE:

18 Error: Incorrect word usage in § 8–404 of the Financial Institutions Article.

19 Occurred: Ch. 384, Acts of 1990.

20 9–1005.

21 (a) Except as expressly permitted by federal law or Title 5, Subtitle 11 of this  
22 article, a savings and loan association or savings and loan holding company that is not  
23 a Maryland association, an interstate association, an out-of-state association, a  
24 Maryland savings and loan holding company, [an out-of-state association,] or an  
25 out-of-state savings and loan holding company may not acquire a Maryland  
26 association, a Maryland savings and loan holding company, an interstate association,  
27 or an out-of-state savings and loan holding company having a Maryland association  
28 subsidiary.

29 (b) (2) A Maryland association, an interstate association, a Maryland  
30 savings and loan holding company, or an out-of-state savings and loan holding

1 company may not be required to divest its deposit-taking offices in Maryland,  
2 Maryland associations, or Maryland savings and loan holding companies if:

3 (i) An institution in another jurisdiction not within the region  
4 is acquired under § 116 or § 123 of the Garn–St. Germain Depository Institutions Act  
5 of 1982, as amended[,] OR 12 U.S.C. § 1823(f) [or 12 U.S.C. § 1730a(m), respectively];

6 DRAFTER’S NOTE:

7 Error: Extraneous language in § 9–1005(a) and obsolete cross-reference in §  
8 9–1005(b)(2)(i) of the Financial Institutions Article.

9 Occurred: Ch. 544, Acts of 1990; obsolete cross-reference as a result of the  
10 repeal of 12 U.S.C. § 1730a(m) (Pub. L. 101–73, Title IV, § 407, 103 Stat 363; August 9,  
11 1989).

12 9–1006.

13 (b) An interstate association or an out-of-state savings and loan holding  
14 company that controls a Maryland association, a Maryland savings and loan holding  
15 company, an interstate association, or an out-of-state savings and loan holding  
16 company having a Maryland association subsidiary shall:

17 (2) Within 30 days of adoption, file with the **DIVISION** Director a copy  
18 of its most recently adopted federal Community Reinvestment Act statement; and

19 (c) Within 30 days of receipt, the association or holding company shall  
20 submit to the **DIVISION** Director a copy of the public portion of its most recent  
21 Community Reinvestment Act performance evaluation prepared by the federal  
22 regulatory agency that examines the association or holding company, together with a  
23 copy of any written response to the evaluation prepared by the association or holding  
24 company for its public Community Reinvestment Act file.

25 (e) (1) Upon request, the **DIVISION** Director shall make available to the  
26 public a copy of the documents submitted under subsections (b) and (c) of this section.

27 (2) The **DIVISION** Director may charge a reasonable fee to a person  
28 requesting a copy to help defray the costs of providing copies of the documents to the  
29 public.

30 DRAFTER’S NOTE:

31 Error: Misnomers in § 9–1006(b)(2), (c), and (e) of the Financial Institutions  
32 Article.

33 Occurred: Ch. 395, Acts of 1991. Note: the term “Division Director” is defined for  
34 Titles 8 and 9 of the Financial Institutions Article in § 8–101 of that article.

1 11-603.1.

2 [(l) An affiliated insurance producer–mortgage loan originator who holds a  
3 mortgage lender license under § 11-506(c) of this title on July 1, 2009, may continue to  
4 originate mortgages under a valid mortgage lender license until December 31, 2009,  
5 provided that the affiliated insurance producer–mortgage loan originator takes the  
6 actions necessary to participate in the Nationwide Mortgage Licensing System and  
7 Registry, as required by the Commissioner.]

8 DRAFTER’S NOTE:

9 Error: Obsolete provision in § 11-603.1(l) of the Financial Institutions Article.

10 Occurred: As a result of its own terms, which rendered the provision obsolete  
11 after December 31, 2009, and Ch. 148, Acts of 2011, which repealed § 11-506(c) of the  
12 Financial Institutions Article.

13 12-802.

14 (g) “Transaction” includes the deposit, withdrawal, transfer, bailment, loan,  
15 pledge [payment] PAYMENT, or exchange of currency by, [through] THROUGH, or to  
16 the financial institution.

17 DRAFTER’S NOTE:

18 Error: Omitted commas in § 12-802(g) of the Financial Institutions Article.

19 Occurred: Ch. 411, Acts of 1990.

## 20 Article – Health – General

21 8-1001.

22 (d) (1) The term of a member appointed under subsection (c)[(11)] of this  
23 section is 4 years.

24 DRAFTER’S NOTE:

25 Error: Erroneous internal reference in § 8-1001(d)(1) of the Health – General  
26 Article.

27 Occurred: Chs. 237 and 238, Acts of 2004.

28 10-411.

1 (c) (2) (i) The terms of members are staggered as required for  
2 members of each Board on July 1, 1982. Except for the Boards [of] **FOR** the Eastern  
3 Shore Hospital Center and the Crownsville Hospital Center, the terms of those  
4 members end as follows:

- 5 1. 1 in 1983;
- 6 2. 4 in 1984;
- 7 3. 1 in 1985; and
- 8 4. 1 in 1986.

9 DRAFTER'S NOTE:

10 Error: Grammatical error in § 10–411(c)(2)(i) of the Health – General Article.

11 Occurred: Ch. 21, Acts of 1982. The provision above was renumbered and is now  
12 codified as § 10–411(c)(2)(ii) as a result of Ch. 412, Acts of 1983. Correction by the  
13 publisher of the Annotated Code in the 2011 Supplement of the Health – General  
14 Article is ratified by this Act.

15 13–112.

16 (c) Before offering or performing a postscreening test on a newborn infant for  
17 hereditary and congenital disorders under subsection [(a)] **(B)** of this section, a  
18 laboratory shall:

19 (1) Obtain and maintain a license issued by the Secretary as required  
20 by Title 17 of this article; and

21 (2) Meet all the standards and requirements for a laboratory to  
22 perform tests on newborn infants for hereditary and congenital disorders that are  
23 established by the Secretary.

24 DRAFTER'S NOTE:

25 Error: Erroneous internal reference in § 13–112(c) of the Health – General  
26 Article.

27 Occurred: Ch. 256, Acts of 2008.

28 13–809.

29 On or before October 1 of each year, the Commission shall issue a report to the  
30 Governor, the Secretary, and, subject to § 2–1246 of the State Government Article, the  
31 General Assembly that:

1 (1) Describes its findings regarding:

2 (iii) The incentives and disincentives incorporated in the [rate  
3 setting] **RATE-SETTING** methodologies utilized and proposed by the Mental Hygiene  
4 Administration and the Developmental Disabilities Administration and how the  
5 methodologies might be improved;

6 (iv) How incentives to provide quality of care can be built into a  
7 [rate setting] **RATE-SETTING** methodology;

8 DRAFTER'S NOTE:

9 Error: Omitted hyphens in § 13-809(1)(iii) and (iv) of the Health – General  
10 Article.

11 Occurred: Ch. 566, Acts of 1999.

12 15-304.

13 (b) (1) For purposes of this subsection, “community-based organization”  
14 includes [day] **CHILD** care centers, schools, and school-based health clinics.

15 DRAFTER'S NOTE:

16 Error: Obsolete terminology in § 15-304(b)(1) of the Health – General Article.

17 Occurred: As a result of Ch 564, Acts of 2011. Correction was suggested by the  
18 State Department of Education, Early Childhood Development Division, which is  
19 responsible for early child care and education in the State. The correction is consistent  
20 with the intent of similar conforming changes required to be made by the publisher of  
21 the Annotated Code under Ch. 564, § 3, Acts of 2011.

22 18-901.

23 (e) “Health care facility” has the meaning stated in [§ 19-114(e)(1)] §  
24 **19-114(D)(1)** of this article.

25 DRAFTER'S NOTE:

26 Error: Erroneous cross-reference in § 18-901(e) of the Health – General Article.

27 Occurred: Ch. 1, Acts of 2002.

28 19-1409.

1 (b) The Oversight Committee shall consist of the following members:

2 (8) Three representatives of area agencies on aging, **ONE OF WHICH**  
 3 **SHALL BE A MEMBER OF A LOCAL LONG-TERM CARE OMBUDSMAN PROGRAM**  
 4 **ESTABLISHED UNDER TITLE 10, SUBTITLE 9 OF THE HUMAN SERVICES**  
 5 **ARTICLE**, appointed by the Secretary of Aging;

6 DRAFTER'S NOTE:

7 Error: Unintended repeal of language and erroneous cross-reference in  
 8 § 19-1409(b)(8) of the Health – General Article.

9 Occurred: Ch. 65, Acts of 2011. Ch. 65, in attempting to correct an obsolete  
 10 statutory cross-reference consistent with Ch. 155, Acts of 2010, mistakenly repealed  
 11 the surrounding language referring to the “long-term care ombudsman program  
 12 established under § 10-213 of the Human Services Article”. The intent of Ch. 65 was  
 13 to correct the reference to “§ 10-213” of the Human Services Article, rendered  
 14 incorrect by Ch. 155, Acts of 2010, to be “Title 10, Subtitle 9” of the Human Services  
 15 Article. The section, as shown above, restores the mistakenly repealed language, but  
 16 corrects the erroneous statutory cross-reference. Correction by the publisher of the  
 17 Annotated Code in the 2011 Supplement of the Health – General Article is ratified by  
 18 this Act.

19 21-2A-04.

20 (b) The regulations adopted by the Secretary shall:

21 (5) Identify the mechanism by which prescription monitoring data are  
 22 disclosed to a person, in accordance with [~~§ 21-2A-07~~] **§ 21-2A-06** of this subtitle;

23 DRAFTER'S NOTE:

24 Error: Erroneous cross-reference in § 21-2A-04(b)(5) of the Health – General  
 25 Article.

26 Occurred: Ch. 166, Acts of 2011. Correction suggested by the Attorney General  
 27 in the Bill Review Letter for S.B. 883 (footnote 11), dated May 9, 2011.

28 24-505.

29 This subtitle does not apply to:

30 (1) Private homes, residences, including residences used as a business  
 31 or place of employment, unless being used by a person who is licensed or registered  
 32 under **TITLE 5**, Subtitle 5 of the Family Law Article to provide [day care or] child

1 care, and private vehicles, unless being used for the public transportation of children,  
2 or as part of health care or [day] CHILD care transportation;

3 DRAFTER'S NOTE:

4 Error: Incomplete cross-reference; obsolete terminology in § 24-505(1) of the  
5 Health – General Article.

6 Occurred: As a result of Ch 564, Acts of 2011. Correction was suggested by the  
7 State Department of Education, Early Childhood Development Division, which is  
8 responsible for early child care and education in the State. The correction is consistent  
9 with the intent of similar conforming changes required to be made by the publisher of  
10 the Annotated Code under Ch. 564, § 3, Acts of 2011.

### 11 Article – Health Occupations

12 4-205.

13 (a) In addition to the powers set forth elsewhere in this title, the Board may:

14 (7) Establish committees from among its members to facilitate and  
15 assist the Board in discharging its duties and responsibilities under this title by  
16 evaluating, reviewing, and making [recommendation] **RECOMMENDATIONS** to the  
17 Board on matters referred to the committees by the Board. The committees  
18 established shall include, but may not be limited to:

19 (i) A nominations committee;

20 (ii) A regulations committee;

21 (iii) A committee on dental hygiene composed of 3 dental  
22 hygienists, 1 dentist, and 1 consumer to which the Board shall refer all matters within  
23 the Board's jurisdiction under this title relating to or affecting the practice of dental  
24 hygiene for the committee's evaluation, review, and recommendation;

25 (iv) A disciplinary committee; and

26 (v) Such other committees as the Board considers appropriate.

27 DRAFTER'S NOTE:

28 Error: Grammatical error in § 4-205(a)(7) of the Health Occupations Article.

29 Occurred: Ch. 564, Acts of 1992.

30 4-207.

1 (e) (1) In addition to the provisions of subsection (d) of this section, the  
2 Board shall fund:

3 (i) The budget of a [dentist rehabilitation] **DENTAL**  
4 **WELL-BEING** committee, as defined in § 4-501.1 of this title, with fees set, collected,  
5 and distributed to the Fund under this title; and

6 (ii) The budget of a dental [hygienist rehabilitation] **HYGIENE**  
7 **WELL-BEING** committee, as defined in § 4-508 of this title, with fees set, collected,  
8 and distributed to the Fund under this title.

9 (2) After review and approval by the Board of a budget submitted by  
10 the Maryland State Dental Association for a [dentist rehabilitation] **DENTAL**  
11 **WELL-BEING** committee, the Board may allocate moneys from the Fund to the  
12 [dentist rehabilitation] **DENTAL WELL-BEING** committee.

13 (3) After review and approval by the Board of a budget submitted by  
14 the Maryland Dental Hygienists' Association for a dental [hygienist rehabilitation]  
15 **HYGIENE WELL-BEING** committee, the Board may allocate moneys from the Fund to  
16 a dental [hygienist rehabilitation] **HYGIENE WELL-BEING** committee.

17 **DRAFTER'S NOTE:**

18 Error: Obsolete terminology in § 4-207(e) of the Health Occupations Article.

19 Occurred: As a result of Ch. 542, Acts of 2010.

20 4-308.

21 (d) (1) While it is effective, a temporary volunteer dentist's license issued  
22 under this title authorizes the licensee to practice dentistry:

23 (ii) [1.] If [the]:

24 1. **THE** dentist holds a general license to practice  
25 dentistry in another state that permits clinical practice and the dentist is not subject  
26 to clinical restrictions; and

27 2. The dentist has:

28 A. Passed the North East [Board] Regional **BOARD**  
29 Clinical Examination; or

30 **DRAFTER'S NOTE:**

1 Error: Tabulation error in § 4–308(d)(1)(ii)1 and misnomer in §  
2 4–308(d)(1)(ii)2A of the Health Occupations Article.

3 Occurred: Chs. 496 and 497, Acts of 2011.

4 (h) (1) While it is effective, a temporary volunteer dental hygienist’s  
5 license issued under this title authorizes the licensee to practice dental hygiene:

6 (iii) In addition to holding a general license to practice dental  
7 hygiene, if the dental hygienist:

8 1. Provides documentation as required by the Board  
9 which evidences that the dental hygienist passed the North East Regional **BOARD**  
10 Clinical Examination; or

11 DRAFTER’S NOTE:

12 Error: Misnomer in § 4–308(h)(1)(iii)1 of the Health Occupations Article.

13 Occurred: Chs. 496 and 497, Acts of 2011.

14 12–6C–01.

15 [(p) (1) “Prescription drug” means any drug required by federal law or  
16 regulation to be dispensed only by a prescription.

17 (2) “Prescription drug” includes:

18 (i) A biological product; and

19 (ii) Finished dosage forms and bulk drug substances subject to §  
20 503(b) of the Federal Food, Drug, and Cosmetic Act.

21 (3) “Prescription drug” does not include blood and blood components  
22 intended for transfusion or biological products that are also medical devices.]

23 [(q)(P) “Prescription device” means any device required by federal law or  
24 regulation to be dispensed only by a prescription.

25 (Q) (1) **“PRESCRIPTION DRUG” MEANS ANY DRUG REQUIRED BY  
26 FEDERAL LAW OR REGULATION TO BE DISPENSED ONLY BY A PRESCRIPTION.**

27 (2) **“PRESCRIPTION DRUG” INCLUDES:**

28 (I) **A BIOLOGICAL PRODUCT; AND**

1                   **(II) FINISHED DOSAGE FORMS AND BULK DRUG**  
2 **SUBSTANCES SUBJECT TO § 503(B) OF THE FEDERAL FOOD, DRUG, AND**  
3 **COSMETIC ACT.**

4                   **(3) “PRESCRIPTION DRUG” DOES NOT INCLUDE BLOOD AND**  
5 **BLOOD COMPONENTS INTENDED FOR TRANSFUSION OR BIOLOGICAL PRODUCTS**  
6 **THAT ARE ALSO MEDICAL DEVICES.**

7                   **DRAFTER’S NOTE:**

8                   Error: Stylistic error (failure to codify definitions in alphabetical order) in §  
9 12–6C–01(p) and (q) of the Health Occupations Article.

10                   Occurred: Chs. 352 and 353, Acts of 2007.

11 14–411.

12                   **(E) ON OR BEFORE JANUARY 1, 2012, THE BOARD, THE SECRETARY,**  
13 **AND THE HEALTH SERVICES COST REVIEW COMMISSION JOINTLY SHALL**  
14 **ADOPT REGULATIONS FOR THE EFFICIENT AND SECURE TRANSFER, UNDER**  
15 **SUBSECTION (D)(2) OF THIS SECTION, OF ANY INFORMATION IN A RECORD THAT**  
16 **MAY INDICATE THAT AN INVESTIGATION OF AN ENTITY REGULATED BY THE**  
17 **OFFICE OF HEALTH CARE QUALITY OR THE HEALTH SERVICES COST REVIEW**  
18 **COMMISSION MAY BE APPROPRIATE.**

19                   **(F) SUBSECTION (D)(2) OF THIS SECTION MAY NOT BE CONSTRUED TO**  
20 **ALTER THE AUTHORITY OF THE SECRETARY UNDER § 1–203(A) OF THIS**  
21 **ARTICLE OR § 2–106(C) OF THE HEALTH – GENERAL ARTICLE.**

22                   **[(e)] (G) (1)** The Board shall notify all hospitals, health maintenance  
23 organizations, or other health care facilities where a physician or an allied health  
24 professional regulated by the Board has privileges, has a provider contract with a  
25 health maintenance organization, or is employed of a complaint or report filed against  
26 that physician, if:

27                   (i) The Board determines, in its discretion, that the hospital,  
28 health maintenance organization, or health care facility should be informed about the  
29 report or complaint;

30                   (ii) The nature of the complaint suggests a reasonable  
31 possibility of an imminent threat to patient safety; or

32                   (iii) The complaint or report was as a result of a claim filed in  
33 the Health Care Alternative Dispute Resolution Office and a certificate of a qualified  
34 expert is filed in accordance with § 3–2A–04(b)(1) of the Courts Article.

1           (2) The Board shall disclose any information pertaining to a  
2 physician's competency to practice medicine contained in record to a committee of a  
3 hospital, health maintenance organization, or other health care facility if:

4                   (i) The committee is concerned with physician discipline and  
5 requests the information in writing; and

6                   (ii) The Board has received a complaint or report pursuant to  
7 paragraph (1)(i) and (ii) of this subsection on the licensed physician on whom the  
8 information is requested.

9           (3) The Board shall, after formal action is taken pursuant to § 14-406  
10 of this subtitle, notify those hospitals, health maintenance organizations, or health  
11 care facilities where the physician has privileges, has a provider contract with a health  
12 maintenance organization, or is employed of its formal action within 10 days after the  
13 action is taken and shall provide the hospital, health maintenance organization, or  
14 health care facility with periodic reports as to enforcement or monitoring of a formal  
15 disciplinary order against a physician within 10 days after receipt of those reports.

16           **[(f)] (H)** On the request of a person who has made a complaint to the Board  
17 regarding a physician, the Board shall provide the person with information on the  
18 status of the complaint.

19           **[(g)] (I)** Following the filing of charges or notice of initial denial of license  
20 application, the Board shall disclose the filing to the public.

21           **[(h)] (J)** The Board may disclose any information contained in a record to a  
22 licensing or disciplinary authority of another state if:

23                   (1) The licensing or disciplinary authority of another state that  
24 regulates licensed physicians in that state requests the information in writing; and

25                   (2) The disclosure of any information is limited to the pendency of an  
26 allegation of a ground for disciplinary or other action by the Board until:

27                           (i) The Board has passed an order under § 14-406 of this  
28 subtitle; or

29                           (ii) A licensed physician on whom the information is requested  
30 authorizes a disclosure as to the facts of an allegation or the results of an investigation  
31 before the Board.

32           **[(i)] (K)** The Board may disclose any information contained in a record to a  
33 person if:

1           (1) A licensed physician on whom any information is requested  
2 authorizes the person to receive the disclosure;

3           (2) The person requests the information in writing; and

4           (3) The authorization for the disclosure is in writing.

5           **[(j)] (L)** The Board may disclose any information contained in a record to  
6 the State Medical Assistance Compliance Administration, the Secretary of the U.S.  
7 Department of Health and Human Services or the Secretary's designee, or any health  
8 occupational regulatory board if:

9           (1) (i) The State Medical Assistance Compliance Administration or  
10 any health occupational regulatory board requests the information in writing; or

11                       (ii) The Secretary of the U.S. Department of Health and Human  
12 Services or the Secretary's designee is entitled to receive the information or have  
13 access to the information under 42 U.S.C. § 1396r-2;

14           (2) (i) The Board has issued an order under § 14-406 of this  
15 subtitle; or

16                       (ii) An allegation is pending before the Board; and

17           (3) The Board determines that the requested information is necessary  
18 for the proper conduct of the business of that administration or board.

19           **[(k)] (M)** If the Board determines that the information contained in a record  
20 concerns possible criminal activity, the Board shall disclose the information to a law  
21 enforcement or prosecutorial official.

22           **[(l)] (N)** The Board may permit inspection of records for which inspection  
23 otherwise is not authorized by a person who is engaged in a research project if:

24           (1) The researcher submits to the executive director and the Board  
25 approves a written request that:

26                       (i) Describes the purpose of the research project;

27                       (ii) Describes the intent, if any, to publish the findings;

28                       (iii) Describes the nature of the requested personal records;

29                       (iv) Describes the safeguards that the researcher would take to  
30 protect the identity of the persons in interest; and

1 (v) States that persons in interest will not be contacted unless  
2 the executive director approves and monitors the contact;

3 (2) The executive director is satisfied that the proposed safeguards  
4 will prevent the disclosure of the identity of persons in interest; and

5 (3) The researcher makes an agreement with the executive director  
6 that:

7 (i) Defines the scope of the research project;

8 (ii) Sets out the safeguards for protecting the identity of the  
9 persons in interest; and

10 (iii) States that a breach of any condition of the agreement is a  
11 breach of contract.

12 **[(m)] (O)** On the request of a person who has testified in a Board or Office of  
13 Administrative Hearings proceeding, the Board shall provide to the person who  
14 testified a copy of the portion of the transcript of that person's testimony.

15 **[(n)] (P)** (1) The Board may publish a summary of any allegations of  
16 grounds for disciplinary or other action.

17 (2) A summary may not identify:

18 (i) Any person who makes an allegation to the Board or any of  
19 its investigatory bodies;

20 (ii) A licensed physician about whom an allegation is made; or

21 (iii) A witness in an investigation or a proceeding before the  
22 Board or any of its investigatory bodies.

23 **[(o)] (Q)** The Board shall disclose information in a record upon the request  
24 of the Governor, Secretary, or Legislative Auditor, in accordance with § 2-1223(a) of  
25 the State Government Article. However, the Governor, Secretary, or Auditor, or any of  
26 their employees may not disclose personally identifiable information from any of these  
27 records which are otherwise confidential by law.

28 **[(p)] (R)** This section does not apply to:

29 (1) Any disclosure of a record by the Board to any of its investigatory  
30 bodies; or



1 (ii) accrued interest that is 90 days or more past due on each  
2 asset listed in [subitem] ITEM (i) of this item;

3 (4) in an amount not exceeding the policy reserve on each individual  
4 policy;

5 (ii) accrued interest that is 90 days or more past due on the  
6 asset listed in [subitem] ITEM (i) of this item;

7 (11) electronic data processing equipment and operating system  
8 software amortized over a period of not more than 3 calendar years, to the extent it  
9 does not exceed 3% of the insurer's capital and surplus as required to be shown on  
10 [their] THE INSURER'S statutory financial statement, adjusted to exclude deferred  
11 tax assets and net positive [good will] GOODWILL;

12 (13) positive [good will] GOODWILL recorded under the statutory  
13 purchase method of accounting;

14 (i) to the extent that it does not exceed 10% of the parent  
15 insurer's capital and surplus, as required to be shown on the statutory balance sheet,  
16 excluding any net positive [good will] GOODWILL, electronic data processing  
17 equipment, operating system software, and net deferred tax assets; and

18 (ii) amortized over a period of not more than 10 calendar years;

19 DRAFTER'S NOTE:

20 Error: Stylistic errors in § 5-101(a)(3)(ii) and (4)(ii) of the Insurance Article;  
21 grammatical error in § 5-101(a)(11) of the Insurance Article; and incorrect word usage  
22 in § 5-101(a)(11) and (13)(i) of the Insurance Article.

23 Occurred: Ch. 36, Acts of 1995 (stylistic error) and Ch. 332, Acts of 2001  
24 (multiple errors).

25 5-608.

26 (e) (2) The reserve investments of an insurer may include obligations that  
27 are not in default as to principal or interest, that are issued, assumed, or guaranteed  
28 by a solvent institution created or existing under the laws of the United States or a  
29 state, and that qualify under any of the following [subparagraphs] ITEMS:

30 (i) subject to paragraph (3) of this subsection, the obligations  
31 are secured by adequate collateral security and bear fixed interest, and, during each of  
32 any 3, including either of the last 2, of the 5 fiscal years immediately preceding the  
33 date of acquisition by the insurer, the net earnings available for fixed charges of the

1 issuing, assuming, or guaranteeing institution must have been not less than one and  
2 one-quarter times the total of the institution's fixed charges for the year;

3 (ii) subject to paragraph (3) of this subsection, the obligations,  
4 at the date of acquisition by the insurer, are adequately secured and have investment  
5 qualities and characteristics in which speculative elements are not predominant;

6 (iii) the obligations bear fixed interest and are other than those  
7 described in [subparagraph] ITEM (i) of this paragraph, and the net earnings available  
8 for fixed charges of the issuing, assuming, or guaranteeing institution:

9 1. for a period of 5 fiscal years immediately preceding  
10 the date of acquisition by the insurer, must have averaged each year not less than one  
11 and one-half times the institution's average annual fixed charges applicable to the  
12 period; and

13 2. during the last year of the 5-year period, must have  
14 been not less than one and one-half times the institution's fixed charges for the year;  
15 or

16 (iv) the obligations are adjustment, income, or other contingent  
17 interest obligations, and the net earnings available for fixed charges of the issuing,  
18 assuming, or guaranteeing institution for a period of 5 fiscal years immediately  
19 preceding the date of acquisition by the insurer:

20 1. must have averaged each year not less than one and  
21 one-half times the sum of the institution's average annual fixed charges plus the  
22 institution's average annual maximum contingent interest applicable to the period;  
23 and

24 2. during each of the last 2 years of the 5-year period,  
25 must have been not less than one and one-half times the sum of the institution's fixed  
26 charges plus maximum contingent interest for the year.

27 (n) (1) The reserve investments of an insurer may include real estate only  
28 if the real estate:

29 (i) consists of the land and the building on the land in which  
30 the insurer has its principal office;

31 (ii) is necessary for the insurer's convenient accommodation in  
32 transacting business;

33 (iii) is acquired to satisfy loans, mortgages, liens, judgments,  
34 decrees, or other debts previously owed to the insurer in the course of business;

1 (iv) is acquired as partial payment of the consideration for the  
2 sale of real property owned by the insurer if the transaction causes a net reduction in  
3 the investment of the insurer in real property; or

4 (v) is additional real property and equipment incident to real  
5 property that is necessary or convenient to enhance the market value of real property  
6 previously acquired or held by the insurer under [subparagraph] ITEM (iii) or (iv) of  
7 this paragraph.

8 (2) Unless the Commissioner certifies that the interests of the insurer  
9 will suffer materially by a forced sale of the real property and the Commissioner  
10 extends the time for disposal of the real property in the certificate:

11 (i) real property acquired under [subparagraphs (i) and (ii) of  
12 paragraph (1)] **PARAGRAPH (1)(I) AND (II)** of this subsection must be disposed of  
13 within 5 years after the real property ceases to be necessary for the convenient  
14 accommodation of the insurer in transacting business; and

15 (ii) real property acquired under [subparagraphs (iii) and (iv) of  
16 paragraph (1)] **PARAGRAPH (1)(III) AND (IV)** of this subsection must be disposed of  
17 within 5 years after the date of acquisition.

18 **DRAFTER'S NOTE:**

19 Error: Stylistic errors in § 5-608(e)(2)(iii) and (n)(1)(v) and (2)(i) and (ii) of the  
20 Insurance Article.

21 Occurred: Ch. 36, Acts of 1995.

22 7-405.

23 (c) (1) In determining whether a proposed acquisition subject to this  
24 subtitle would violate subsection (a)(1)(i) of this section, the Commissioner shall  
25 consider an acquisition that involves two or more insurers, including insurers under  
26 common ownership, management, or control, that compete in the same product and  
27 geographical market to be prima facie evidence of violation of subsection (a)(1)(i) of  
28 this section if the acquiring and acquired insurers, their affiliates, or the person  
29 resulting from a merger:

30 (i) have a share of the market that exceeds the total of the two  
31 columns in the table under item (ii) of this [subparagraph] **PARAGRAPH**, if more than  
32 two insurers are parties to the acquisition; or

33 **DRAFTER'S NOTE:**

34 Error: Stylistic error in § 7-405(c)(1)(i) of the Insurance Article.

1 Occurred: Ch. 36, Acts of 1995.

2 8–301.

3 (f) (1) “Plan” means a fund or other arrangement that is established,  
4 maintained, or contributed to by an employer, employee organization, or both, to the  
5 extent that the fund or arrangement was established or is maintained for the purpose  
6 of:

7 (i) providing for participants or beneficiaries, any of whom are  
8 residents of the State, through the purchase of insurance or otherwise:

9 5. [day] CHILD care centers;

10 DRAFTER’S NOTE:

11 Error: Obsolete language in § 8–301(f)(1)(i)5 of the Insurance Article.

12 Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the  
13 State Department of Education, Early Childhood Development Division, which is  
14 responsible for early child care and education in the State. The correction is consistent  
15 with the intent of similar conforming changes required to be made by the publisher of  
16 the Annotated Code under Ch. 564, § 3, Acts of 2011.

17 9–217.

18 (b) The Commissioner is not obligated personally or in an official capacity to  
19 repay a loan made under this [subsection] SECTION.

20 DRAFTER’S NOTE:

21 Error: Stylistic error in § 9–217(b) of the Insurance Article.

22 Occurred: Ch. 11, Acts of 1996.

23 14–106.

24 (d) (2) (i) Except as provided in subparagraph (ii) of this paragraph,  
25 the support provided under paragraph (1)(iv) and (v) of this subsection to the  
26 [Community Health Resources Commission and the] Kidney Disease Program AND  
27 **THE COMMUNITY HEALTH RESOURCES COMMISSION, RESPECTIVELY**, shall be  
28 the value of the premium tax exemption less the subsidy required under this  
29 subsection for the Senior Prescription Drug Assistance Program.

30 DRAFTER’S NOTE:

1 Error: Stylistic error (terms placed out of proper order with respect to  
2 corresponding cross-references) in § 14-106(d)(2)(i) of the Insurance Article.

3 Occurred: Ch. 397, Acts of 2011.

4 14-504.

5 (a) (2) The Fund is a [special] **SPECIAL**, nonlapsing fund that is not  
6 subject to § 7-302 of the State Finance and Procurement Article.

7 DRAFTER'S NOTE:

8 Error: Omitted comma in § 14-504(a)(2) of the Insurance Article.

9 Occurred: Ch. 153, Acts of 2002.

10 15-1216.

11 (c) (2) The Board shall include representation from carriers whose  
12 principal business in health insurance [is comprised of] **COMPRISES** small employers  
13 and, to the extent possible, at least one nonprofit health service plan, at least one  
14 commercial carrier, and at least one health maintenance organization.

15 DRAFTER'S NOTE:

16 Error: Grammatical error in § 15-1216(c)(2) of the Insurance Article.

17 Occurred: Ch. 35, Acts of 1997.

18 27-613.

19 (c) (3) The notice must state in clear and specific terms:

20 (viii) that the Commissioner shall order the insurer to pay  
21 reasonable [attorney] **ATTORNEY'S** fees incurred by the insured for representation at  
22 the hearing if the Commissioner finds that:

23 1. the actual reason for the proposed action is not stated  
24 in the notice or the proposed action is not in accordance with § 27-501 of this title, the  
25 insurer's filed rating plan, its underwriting standards, or the lawful terms and  
26 conditions of the policy related to a cancellation, nonrenewal, or reduction in coverage;  
27 and

28 2. the insurer's conduct in maintaining or defending the  
29 proceeding was in bad faith or the insurer acted willfully in the absence of a bona fide  
30 dispute.

1 (h) (3) If the Commissioner finds that the actual reason for the proposed  
2 action is not stated in the notice or the proposed action is not in accordance with §  
3 27–501 of this title, the insurer’s filed rating plan, its underwriting standards, or the  
4 lawful terms and conditions of the policy related to a cancellation, nonrenewal, or  
5 reduction in coverage, the Commissioner shall:

6 (ii) order the insurer to pay reasonable [attorney] ATTORNEY’S  
7 fees incurred by the insured for representation at the hearing if the Commissioner  
8 finds that the insurer’s conduct in maintaining or defending the proceeding was in bad  
9 faith or the insurer acted willfully in the absence of a bona fide dispute.

10 DRAFTER’S NOTE:

11 Error: Grammatical errors in § 27–613(c)(3)(viii) and (h)(3)(ii) of the Insurance  
12 Article.

13 Occurred: Ch. 35, Acts of 1997, which enacted § 27–613(c)(3)(viii) as §  
14 27–605(b)(3)(viii) and § 27–613(h)(3)(ii) as § 27–605(f)(3)(ii).

15 27–614.

16 (c) (5) The notice must state in clear and specific terms:

17 (vii) that the Commissioner shall order the insurer to pay  
18 reasonable [attorney] ATTORNEY’S fees incurred by the insured for representation at  
19 a hearing if the Commissioner finds that:

20 1. the actual reason for the proposed action is not stated  
21 in the notice or the proposed action is not in accordance with this article or the  
22 insurer’s filed rating plan; and

23 2. the insurer’s conduct in maintaining or defending the  
24 proceeding was in bad faith or the insurer acted willfully in the absence of a bona fide  
25 dispute.

26 (e) (3) If the Commissioner finds that the actual reason for the proposed  
27 action is not stated in the notice or the proposed action is not in accordance with the  
28 insurer’s filed rating plan or this article, the Commissioner shall:

29 (ii) order the insurer to pay reasonable [attorney] ATTORNEY’S  
30 fees incurred by the insured for representation at the hearing if the Commissioner  
31 finds that the insurer’s conduct in maintaining or defending the proceeding was in bad  
32 faith or the insurer acted willfully in the absence of a bona fide dispute.

33 DRAFTER’S NOTE:

1 Error: Grammatical errors in § 27–614(c)(5)(vii) and (e)(3)(ii) of the Insurance  
2 Article.

3 Occurred: Ch. 350, Acts of 2006, which enacted § 27–614(c)(5)(vii) as §  
4 27–605.1(c)(5)(vii) and § 27–614(e)(3)(ii) as § 27–605.1(e)(3)(ii).

5 31–101.

6 (j) “Qualified employer” means a small employer that elects to make its  
7 full–time employees **AND, AT THE OPTION OF THE EMPLOYER, SOME OR ALL OF**  
8 **ITS PART–TIME EMPLOYEES** eligible for one or more qualified health plans offered  
9 through the SHOP Exchange [and, at the option of the employer, some or all of its  
10 part–time employees], provided that the employer:

11 (1) has its principal place of business in the State and elects to provide  
12 coverage through the SHOP Exchange to all of its eligible employees, wherever  
13 employed; or

14 (2) elects to provide coverage through the SHOP Exchange to all of its  
15 eligible employees who are principally employed in the State.

16 DRAFTER’S NOTE:

17 Error: Grammatical error in § 31–101(j) of the Insurance Article.

18 Occurred: Chs. 1 and 2, Acts of 2011.

19 **Article – Labor and Employment**

20 3–502.

21 (a) (1) Each employer:

22 (i) shall set regular pay periods; and

23 (ii) except as provided in paragraph (2) of this subsection, shall  
24 pay each employee at least once in every 2 weeks or twice in each month.

25 (2) An employer may pay an administrative, executive, or professional  
26 employee less frequently than required under paragraph (1)(ii) of this subsection.

27 (b) If the regular payday of an employee is a nonworkday, an employer shall  
28 pay the employee on the preceding workday.

29 (c) Each employer shall pay a wage:

30 (1) in United States currency; or

1                   (2)    by a check that, on demand, is convertible at face value into United  
2 States currency.

3           (d)    [(1) (i)   Subject to subparagraph (ii) of this paragraph, a county or  
4 municipal corporation may:

5                               1.    pay the wage of an employee by direct deposit as  
6 provided in paragraph (2) of this subsection; and

7                               2.    require an employee to receive the payment of wages  
8 by direct deposit as a condition of employment.

9                               (ii)   A county or municipal corporation may not require the  
10 payment of wages by direct deposit for an employee:

11                                       1.    who was hired before October 1, 2011, unless the  
12 county or municipal corporation, before October 1, 2011, required by local law,  
13 regulation, or collective bargaining agreement, the payment of wages by direct deposit;

14                                       2.    whose employment is not conditioned on the employee  
15 receiving the payment of wages by direct deposit; or

16                                       3.    who:

17   A.    does not have a personal bank account; and

18   B.    informs the employee's employer that the employee  
19 wishes to opt out of direct deposit.

20                               (iii)   If a county or municipal corporation elects to pay wages by  
21 direct deposit, an employee who is not required to receive the payment of wages by  
22 direct deposit may elect to receive the payment of wages by direct deposit in  
23 accordance with paragraph (3) of this subsection.

24                   (2)    If a county or municipal corporation elects to pay the wages of its  
25 employees by direct deposit, the county or municipal corporation shall:

26                               (i)    provide an employee who is required or elects to receive the  
27 payment of wages by direct deposit with an electronic fund transfer authorization  
28 form;

29                               (ii)   deposit the wage of an employee into a personal bank  
30 account selected by the employee on the electronic fund transfer authorization form;  
31 and

1 (iii) each time the county or municipal corporation pays the wage  
2 of an employee by direct deposit, provide the employee with a direct deposit statement  
3 that includes:

- 4 1. the total amount of the wage;
- 5 2. any amount deducted from the wage; and
- 6 3. the amount of the wage directly deposited into the  
7 personal bank account selected by the employee.

8 (3) (i) An employee who is required or elects to receive the  
9 payment of wages by direct deposit shall complete and submit to the county or  
10 municipal corporation the electronic fund transfer authorization form provided to the  
11 employee under paragraph (2) of this subsection.

12 (ii) An employee who is required or elects to receive the  
13 payment of wages by direct deposit shall select a personal bank account for the direct  
14 deposit of the employee's wages that is at a financial institution that participates in  
15 the automated clearing house network.

16 (iii) Subject to subparagraph (ii) of this paragraph, an employee  
17 may change the personal bank account or the financial institution designated on an  
18 electronic fund transfer authorization form by completing and submitting a new  
19 electronic fund transfer authorization form to the county or municipal corporation.

20 (e) (1) In this subsection, "employer" includes a governmental unit.

21 (2) An employer may not print or cause to be printed an employee's  
22 Social Security number on the employee's wage payment check, an attachment to an  
23 employee's wage payment check, a notice of direct deposit of an employee's wage, or a  
24 notice of credit of an employee's wage to a debit card or card account.

25 [(f)] (E) This section does not prohibit the:

26 (1) direct deposit of the wage of an employee into a personal bank  
27 account of the employee in accordance with an authorization of the employee; or

28 (2) credit of the wage of an employee to a debit card or card account  
29 from which the employee is able to access the funds through withdrawal, purchase, or  
30 transfer if:

31 (i) authorized by the employee; and

32 (ii) any fees applicable to the debit card or card account are  
33 disclosed to the employee in writing in at least 12 point font.



1 3-907.

2 (b) (2) The requirement for compliance with applicable labor laws under  
3 [subsection (b)(1)(ii)] **PARAGRAPH (1)(II)** of this [section] **SUBSECTION** may include  
4 requiring the employer to enter into an agreement, within 45 days after the final  
5 order, with a governmental unit for payment of any amounts owed by the employer to  
6 the unit.

7 (3) The requirement for compliance with applicable labor laws under  
8 paragraph [(b)(1)(ii)] **(1)(II)** of this [section] **SUBSECTION**:

9 (i) may not require payments for more than a 12-month period;  
10 and

11 (ii) may not require payments due for a period before the  
12 12-month period before the citation was issued.

13 **DRAFTER'S NOTE:**

14 Error: Stylistic errors in § 3-907(b)(2) and (3) of the Labor and Employment  
15 Article.

16 Occurred: Ch. 188, Acts of 2009.

17 9-722.

18 (a) Subject to approval by the Commission under subsection [(b)] **(C)** of this  
19 section, after a claim has been filed by a covered employee or the dependents of a  
20 covered employee, the covered employee or dependents may enter into an agreement  
21 for the final compromise and settlement of any current or future claim under this title  
22 with:

23 (1) the employer;

24 (2) the insurer of the employer;

25 (3) the Subsequent Injury Fund; or

26 (4) the Uninsured Employers' Fund.

27 **DRAFTER'S NOTE:**

28 Error: Erroneous internal reference in § 9-722(a) of the Labor and Employment  
29 Article.

30 Occurred: Ch. 8, § 2, Acts of 1991.

**Article – Natural Resources**

1

2 4–701.1.

3 (g) (6) (i) This paragraph shall apply only to an individual who:

4 1. Served as a crew member to a tidal fish licensee or a  
5 person that holds a commercial fishing license issued by another state or the federal  
6 government;7 2. Held a Maryland Provisional Chesapeake Bay  
8 Charter Boat Permit in accordance with § 4–210.2 of this title;9 3. Held a tidal fish license and has not permanently  
10 transferred a tidal fish license within the past 24 months in accordance with § 4–701(i)  
11 of this subtitle;

12 4. Held a temporary transfer of a tidal fish license;

13 5. Harvested fish from the waters of the Exclusive  
14 Economic Zone and landed the fish in the State;15 6. Holds a commercial fishing license issued by another  
16 state or the federal government; **[and] OR**17 7. Held a commercial fishing license issued by another  
18 state or the federal government.19 **DRAFTER’S NOTE:**20 Error: Erroneous conjunction in § 4–701.1(g)(6)(i) of the Natural Resources  
21 Article.22 Occurred: Ch. 86, Acts of 2011. Correction recommended by the Attorney  
23 General in the Bill Review Letter for S.B. 720 of 2011 (footnote 6), dated April 11,  
24 2011.

25 4–742.

26 (e) The Secretary of the **[Department of the]** Environment may delegate  
27 authority to impose restrictions, or remove restrictions no longer required. These  
28 actions, however, shall be reported and consented to by the Secretary.29 **DRAFTER’S NOTE:**

30 Error: Misnomer in § 4–742(e) of the Natural Resources Article.

1 Occurred: Ch. 4, Acts of First Special Session of 1973.

2 4–1037.

3 A person may not catch or attempt to catch soft-shell clams with a hydraulic  
4 clam dredge or any other gear except hand-held tools, such as shovels and hoes, in the  
5 following areas:

6 (3) Except for the William Preston Lane, Jr. Memorial Bridge and its  
7 parallel span, the Governor Thomas Johnson Memorial Bridge, and the area of the  
8 Choptank River Bridge that is within Talbot County, within 50 feet of any bulkhead,  
9 structure, wharf, pier, or piling that is erected in, over, or under the waters of the  
10 State under a permit granted by the State or federal [governments] **GOVERNMENT**;

11 DRAFTER'S NOTE:

12 Error: Incorrect word usage in § 4–1037(3).

13 Occurred: Ch. 4, Acts of First Special Session of 1973.

14 **Article – Public Safety**

15 2–509.

16 (a) The Director shall create a population data base [comprised] **COMPOSED**  
17 of DNA samples collected under this subtitle.

18 DRAFTER'S NOTE:

19 Error: Grammatical error in § 2–509(a) of the Public Safety Article.

20 Occurred: Ch. 458, Acts of 1994.

21 2–510.

22 A match obtained between an evidence sample and a data base entry may  
23 [only] be used **ONLY** as probable cause and is not admissible at trial unless confirmed  
24 by additional testing.

25 DRAFTER'S NOTE:

26 Error: Grammatical error in § 2–510 of the Public Safety Article.

27 Occurred: Ch. 458, Acts of 1994.

28 **SUBTITLE 7. FREEDOM OF ASSOCIATION AND ASSEMBLY PROTECTION ACT.**

1 3–701.

2 (a) (1) In this section the following words have the meanings indicated.

3 DRAFTER’S NOTE:

4 Error: Omitted subtitle designation immediately preceding § 3–701 of the Public  
5 Safety Article.

6 Occurred: Chs. 492 and 493, Acts of 2009.

7 5–103.

8 This subtitle does not affect:

9 (1) a sale or transfer for bona fide resale **OF A REGULATED FIREARM**  
10 in the ordinary course of business of a licensee; or

11 DRAFTER’S NOTE:

12 Error: Omitted words in § 5–103(1) of the Public Safety Article.

13 Occurred: Ch. 5, Acts of 2003.

14 11–116.

15 (a) (2) Paragraph (1) of this subsection does not apply to a person who  
16 neither intended to use nor used the explosives involved in violation of:

17 (v) § 3–218, § 3–305(c)(2), § 3–409(a) or (c), § 3–803(b), §  
18 3–807(i), § 3–808(d), § 3–811(c), § 8–801, § 8–802, § 9–602(e), § 11–702(d)(8), [§  
19 11–703(d)(5)(iii), § 11–706(b)(8),] § 11–708(d)(7)(ii), § 11–711(h)(2), § 11–712(c)(6)(ii),  
20 [§ 11–714(c)(6),] § 11–715(g)(2), § 11–716(h)(2), § 11–723(b)(8), or § 11–726 of the  
21 Correctional Services Article;

22 DRAFTER’S NOTE:

23 Error: Obsolete cross–references in § 11–116(a)(2)(v) of the Public Safety  
24 Article.

25 Occurred: As a result of Ch. 422, Acts of 1999.

26 **Article – Public Utilities**

27 7–211.

1 (h) (5) (iii) 2. On request by the electric company and for good cause  
 2 shown, the Commission may waive the requirement that the electric company  
 3 competitively select heating, ventilation, air conditioning, or refrigeration providers  
 4 under [item] **SUBSUBPARAGRAPH** 1 of this subparagraph.

5 DRAFTER'S NOTE:

6 Error: Stylistic error in § 7–211(h)(5)(iii)2 of the Public Utilities Article.

7 Occurred: Ch. 333, Acts of 2009.

8 10–104.

9 (d) (2) On or [before] **AFTER** July 1, 2002, an individual applying for a  
 10 taxicab license or renewal of a taxicab license, shall submit proof of having  
 11 successfully completed a course approved by the Commission that includes in the  
 12 curriculum:

13 (i) courteous treatment of passengers;

14 (ii) geography and map reading for the jurisdiction in which the  
 15 taxicab services will be provided; and

16 (iii) tourist information for the jurisdiction in which taxicab  
 17 services will be provided.

18 DRAFTER'S NOTE:

19 Error: Incorrect word usage in § 10–104(d)(2) of the Public Utilities Article.

20 Occurred: Ch. 539, Acts of 2000. Correction is consistent with the bill title and  
 21 synopsis of Ch. 539, Acts of 2000 (S.B. 552) and conforms to the practices followed by  
 22 the Public Service Commission's Transportation Division since the enactment of Ch.  
 23 539, Acts of 2000. Correction suggested by the Public Service Commission.

## 24 **Article – Real Property**

25 7–105.9.

26 (b) (1) In addition to any other notice required to be given by this Code or  
 27 the Maryland Rules, the person authorized to make a sale in an action to foreclose a  
 28 mortgage or deed of trust on residential property shall send, at the same time as the  
 29 notice required [by § 7–105.1(d)(2)(ix)] **UNDER § 7–105.1(F)(2)** of this subtitle, a  
 30 written notice addressed to “all occupants” at the address of the residential property in  
 31 substantially the following form:

32 “IMPORTANT NOTICE

1 A foreclosure action has been filed against the property located at (insert  
2 address) in the circuit court for (insert name of county). This notice is being sent to you  
3 as a person who lives in this property.

4 A foreclosure sale of the property may occur at any time after 45 days from the  
5 date of this notice.

6 Most renters have the right to continue renting the property after it is sold at  
7 foreclosure. The foreclosure sale purchaser becomes the new landlord.

8 Most renters with a lease for a specific period of time have the right to continue  
9 renting the property until the end of the lease term. Most month-to-month renters  
10 have the right to continue renting the property for 90 days after receiving a written  
11 notice to vacate from the new owner.

12 You should get legal advice to determine if you have these rights.

13 Below you will find the name, address, and telephone number of the person  
14 authorized to sell the property. You may contact this person to notify him or her that  
15 you are a tenant at the property and to find out more about the sale. For further  
16 information, you may review the file in the office of the clerk of the circuit court. You  
17 also may contact the Maryland Department of Housing and Community Development,  
18 at (insert telephone number), or consult the Department's website, (insert website  
19 address), for assistance.

20 Person authorized to sell the property:

21 \_\_\_\_\_  
22 Name

23 \_\_\_\_\_  
24 Address

25 \_\_\_\_\_  
26 Telephone

27 \_\_\_\_\_  
28 Date of this notice”.

29 **DRAFTER'S NOTE:**

30 Error: Erroneous cross reference in § 7–105.9(b)(1) of the Real Property Article.

31 Occurred: As a result of Ch. 355, Acts of 2011, which repealed § 7–105.1  
32 (d)(2)(ix), including the specific contents of a required notice, and amended §

1 7–105.1(f)(2) to provide when the notice is to be made and to require that it be in the  
2 form prescribed by regulation.

3 8A–401.

4 (a) A park owner may increase a park fee only if [he] **THE PARK OWNER**  
5 delivers to each resident a notice in [writing,] **WRITING** of the increase at least 30  
6 days before the effective date of the increased park fee.

7 (b) If a park owner fails to so notify a resident affected by the increase, [he]  
8 **THE PARK OWNER** may not collect the increased amount of the park fee from the  
9 resident.

10 DRAFTER'S NOTE:

11 Error: Stylistic errors and extraneous comma in § 8A–401 of the Real Property  
12 Article.

13 Occurred: Ch. 843, Acts of 1980.

14 8A–403.

15 (a) A park owner may charge the resident a reasonable service fee, based on  
16 an amount that the park owner directly incurs, for installing, placing [on or removal  
17 of] **ON, OR REMOVING** a mobile home from the site.

18 DRAFTER'S NOTE:

19 Error: Grammatical error in § 8A–403(a) of the Real Property Article.

20 Occurred: Ch. 843, Acts of 1980.

21 8A–406.

22 A park owner shall provide to a [resident] **RESIDENT**, on request, a written  
23 receipt for a park fee or other financial transaction between the park owner and  
24 resident.

25 DRAFTER'S NOTE:

26 Error: Omitted comma in § 8A–406 of the Real Property Article.

27 Occurred: Ch. 843, Acts of 1980.

28 8A–1101.

1 (a) A park owner may only evict a resident for:

2 (1) Nonpayment of rent; or

3 (2) **[Violations] THE FOLLOWING VIOLATIONS:**

4 (i) Making or causing to be made, with knowledge, any false or  
5 misleading statement on an application for tenancy;

6 (ii) Violation of a federal, State, or local law that is detrimental  
7 to the safety and welfare of other residents in the park; or

8 (iii) Repeated violation of any rule or provision of the rental  
9 agreement occurring within a 6-month period.

10 DRAFTER'S NOTE:

11 Error: Grammatical error in § 8A-1101(a) of the Real Property Article.

12 Occurred: Ch. 843, Acts of 1980.

13 Subtitle 13. Retaliatory **[Evictions] ACTIONS.**

14 8A-1301.

15 (a) (1) For any reason listed in paragraph (2) of this subsection, a park  
16 owner may not:

17 (i) Bring or threaten to bring an action for possession against a  
18 resident;

19 (ii) Arbitrarily increase the rent or decrease the services to  
20 which a resident has been entitled; or

21 (iii) Terminate a periodic tenancy.

22 DRAFTER'S NOTE:

23 Error: Incorrect word usage in subtitle designation immediately preceding §  
24 8A-1301(a)(1) of the Real Property Article.

25 Occurred: As a result of Chs. 264 and 265, Acts of 2011. Correction by the  
26 publisher of the Annotated Code in the 2011 Supplement of the Real Property Article  
27 is ratified by this Act.

28 11-109.

1 (d) The council of unit owners may be either incorporated as a nonstock  
2 corporation or unincorporated and it is subject to those provisions of Title 5, Subtitle 2  
3 of the Corporations and Associations Article which are not inconsistent with this title.  
4 The council of unit owners has, subject to any provision of this title, and except as  
5 provided in [paragraph] ITEM (22) of this subsection, the declaration, and bylaws, the  
6 following powers:

7 (22) To designate parking for individuals with disabilities,  
8 notwithstanding any provision in the declaration, bylaws, or rules and regulations.

9 DRAFTER'S NOTE:

10 Error: Stylistic error in § 11-109(d) of the Real Property Article.

11 Occurred: Ch. 610, Acts of 1997.

12 11B-111.

13 Except as provided in this title, and notwithstanding anything contained in any  
14 of the documents of the homeowners association:

15 (1) Subject to the provisions of [paragraph] ITEM (4) of this section, all  
16 meetings of the homeowners association, including meetings of the board of directors  
17 or other governing body of the homeowners association or a committee of the  
18 homeowners association, shall be open to all members of the homeowners association  
19 or their agents;

20 (3) (i) This [paragraph] ITEM does not apply to any meeting of a  
21 governing body that occurs at any time before the lot owners, other than the developer,  
22 have a majority of votes in the homeowners association, as provided in the declaration;

23 (ii) Subject to [subparagraph] ITEM (iii) of this [paragraph]  
24 ITEM and to reasonable rules adopted by a governing body, a governing body shall  
25 provide a designated period of time during a meeting to allow lot owners an  
26 opportunity to comment on any matter relating to the homeowners association;

27 (iii) During a meeting at which the agenda is limited to specific  
28 topics or at a special meeting, the lot owners' comments may be limited to the topics  
29 listed on the meeting agenda; and

30 (iv) The governing body shall convene at least one meeting each  
31 year at which the agenda is open to any matter relating to the homeowners  
32 association;

33 (5) If a meeting is held in closed session under [paragraph] ITEM (4) of  
34 this section:

1 (i) An action may not be taken and a matter may not be  
2 discussed if it is not permitted by [paragraph] ITEM (4) of this section; and

3 (ii) A statement of the time, place, and purpose of a closed  
4 meeting, the record of the vote of each board or committee member by which the  
5 meeting was closed, and the authority under this section for closing a meeting shall be  
6 included in the minutes of the next meeting of the board of directors or the committee  
7 of the homeowners association.

8 DRAFTER'S NOTE:

9 Error: Stylistic errors in § 11B–111 of the Real Property Article.

10 Occurred: Ch. 321, Acts of 1987 and Chs. 440 and 564, Acts of 1998.

### 11 **Article – State Finance and Procurement**

12 4–604.

13 For all improvements, grounds, and multiservice centers under the jurisdiction  
14 of the Department, the responsibilities of the Department include:

15 (8) controlling pedestrian and vehicular traffic, including establishing  
16 [of] speed limits and parking and impoundment regulations for parking garages,  
17 surface parking lots, roads, and sidewalks that are owned or leased by the State and  
18 that are within the improvements, grounds, and multiservice centers.

19 DRAFTER'S NOTE:

20 Error: Extraneous word in § 4–604(8) of the State Finance and Procurement  
21 Article.

22 Occurred: Ch. 11, Acts of 1985.

23 12–301.

24 (b) (3) The payments and the total contract amount due under an energy  
25 performance contract or, in the case of a capital lease used to finance energy  
26 performance contracts, the capital lease [payments,] PAYMENTS may not exceed the  
27 actual energy savings realized as a result of the contract's performance.

28 DRAFTER'S NOTE:

29 Error: Extraneous comma in § 12–301(b)(3) of the State Finance and  
30 Procurement Article.

1 Occurred: Ch. 163, Acts of 2011.

2 14–303.

3 (a) (1) (ii) The Board shall keep a record of information regarding any  
4 waivers requested in accordance with [§ 14–302(a)(5)(i)] **§ 14–302(A)(6)(I)** of this  
5 subtitle and subsection (b)(8) of this section and submit a copy of the record to the  
6 General Assembly on or before October 1 of each year, in accordance with § 2–1246 of  
7 the State Government Article.

8 (b) These regulations shall include:

9 (8) consistent with [§ 14–302(a)(5)] **§ 14–302(A)(6)** of this subtitle,  
10 provisions relating to any circumstances under which a unit may waive obligations of  
11 the contractor relating to minority business enterprise participation;

12 DRAFTER’S NOTE:

13 Error: Erroneous cross–references in § 14–303(a)(1)(ii) and (b)(8) of the State  
14 Finance and Procurement Article.

15 Occurred: As a result of Chs. 252 and 253, Acts of 2011.

16 **Article – State Government**

17 9–120.

18 (b) (1) Promptly after the 1st day of each month, the Comptroller shall  
19 pay:

20 (i) into the Maryland Stadium Facilities Fund the money that  
21 remains in the State Lottery Fund from the proceeds of the [sports] lotteries  
22 conducted for the benefit of the Maryland Stadium Authority, after the distribution  
23 under subsection (a) of this section; and

24 DRAFTER’S NOTE:

25 Error: Obsolete language in § 9–120(b)(1)(i) of the State Government Article.

26 Occurred: As a result of Ch. 521, Acts of 1999, which repealed the number and  
27 type (“sports”) of lotteries requested to be conducted by the Maryland Stadium  
28 Authority. Correction suggested by Assistant Attorney General Kathryn Rowe, Office  
29 of the Counsel to the General Assembly, in a memorandum dated July 18, 2011.

30 9–1A–01.

1 (u) (2) (ii) After the first fiscal year of operations, the exclusion  
2 specified in subparagraph (i) of this paragraph may not exceed a percentage  
3 established by the Commission by regulation of the proceeds received in the prior  
4 fiscal year by the video lottery operation licensee under § 9-1A-27(a)(2) **AND**  
5 **(B)(1)(II)** of this subtitle.

6 DRAFTER'S NOTE:

7 Error: Omitted cross-reference in § 9-1A-01(u)(2)(ii) of the State Government  
8 Article.

9 Occurred: As a result of Ch. 240, Acts of 2011.

10 9-1A-09.1.

11 (d) (1) If an agreement described in subsection (c) **OF THIS SECTION** is  
12 not reached by July 1, 2011, a potential party to an agreement shall be eligible for  
13 funding under §§ 9-1A-28 and 9-1A-29 of this subtitle if the party indicates to the  
14 Secretary, in writing, its consent to participate in the process described in this  
15 subsection.

16 DRAFTER'S NOTE:

17 Error: Stylistic error in § 9-1A-09.1(d)(1) of the State Government Article.

18 Occurred: Ch. 412, Acts of 2011.

19 10-616.

20 (p) (5) Notwithstanding the provisions of paragraphs (3) and (4) of this  
21 subsection, a custodian shall disclose personal information:

22 (xv) for use by a procurement organization requesting  
23 information under [§ 4-512] **§ 4-516** of the Estates and Trusts Article for the  
24 purposes of organ, tissue, and eye donation.

25 DRAFTER'S NOTE:

26 Error: Erroneous cross-reference in § 10-616(p)(5)(xv) of the State Government  
27 Article.

28 Occurred: As a result of Ch. 541, Acts of 2011. Correction by the publisher of the  
29 Annotated Code in the 2011 Supplement of the State Government Article is ratified by  
30 this Act.

31 15-102.

1 (m) (2) “Executive unit” includes:

2 (i) a county health department unless the officials and  
3 employees of the department are expressly designated as “local officials” in § 15–807 of  
4 this title;

5 (ii) the office of the sheriff in each county;

6 (iii) the office of the State’s Attorney in each county; **AND**

7 (iv) the Liquor Control Board for Somerset County[; and

8 (v) the Worcester County Department of Liquor Control].

9 DRAFTER’S NOTE:

10 Error: Obsolete language in § 15–102(m)(2) of the State Government Article.

11 Occurred: As a result of Ch. 304, Acts of 2011, which established the  
12 Department of Liquor Control as a department of the Worcester County government,  
13 thereby rendering the Department no longer subject to the Public Ethics Law  
14 applicable to units of State Government.

15 **Article – State Personnel and Pensions**

16 21–307.

17 (f) For an employee of the Maryland Environmental Service who is a  
18 member of the Employees’ Retirement System or the [Pension System for Employees]  
19 **EMPLOYEES’ PENSION SYSTEM**, the Maryland Environmental Service shall pay to  
20 the Board of Trustees the employer contributions otherwise required to be made by the  
21 State on behalf of the member.

22 DRAFTER’S NOTE:

23 Error: Misnomer in § 21–307(f) of the State Personnel and Pensions Article.

24 Occurred: Ch. 6, § 2, Acts of 1994, which enacted the error in § 21–307(g) of the  
25 State Personnel and Pensions Article, now § 21–307(f) of the State Personnel and  
26 Pensions Article as a result of Ch. 334, Acts of 2007.

27 22–406.

28 (c) (9) (iii) 2. If the Board of Trustees and the State Department of  
29 Education agree that a superintendent of a local school system has rehired an  
30 individual that does not satisfy the criteria provided in [paragraph (4)(v) or (vi) and

1 (5), (6), or (8)] PARAGRAPHS (4)(V) AND (5), PARAGRAPHS (4)(VI) AND (6), OR  
2 PARAGRAPH (8) of this subsection:

3 A. on or before July 1 of the year of the finding, the  
4 Board of Trustees shall notify the superintendent of the local school system of this  
5 individual; and

6 B. the local school system shall reimburse the Board of  
7 Trustees the amount equal to the reduction to the individual's retirement allowance  
8 that would have been made in paragraph (2) of this subsection.

9 DRAFTER'S NOTE:

10 Error: Stylistic error and erroneous internal reference in § 22-406(c)(9)(iii)2 of  
11 the State Personnel and Pensions Article.

12 Occurred: Ch. 499, Acts of 2005.

13 23-307.

14 (a) (1) Except as provided in subsection (b) of this section, in the year of  
15 retirement, a member of the Employees' Pension System may purchase credit for  
16 eligibility service of up to 10 years for periods of employment described in paragraph  
17 [(4)] (3) of this subsection for which the member is not otherwise entitled to service  
18 credit.

19 DRAFTER'S NOTE:

20 Error: Erroneous internal reference in § 23-307(a)(1) of the State Personnel and  
21 Pensions Article.

22 Occurred: Ch. 493, § 2, Acts of 2005.

23 23-407.

24 (c) (9) (iii) 2. If the Board of Trustees and the State Department of  
25 Education agree that a superintendent of a local school system has rehired an  
26 individual that does not satisfy the criteria provided in [paragraph(4)(iv) or (v) and (5),  
27 (6), or (8)] PARAGRAPHS (4)(IV) AND (5), PARAGRAPHS (4)(V) AND (6), OR  
28 PARAGRAPH (8) of this subsection:

29 A. on or before July 1 of the year of the finding, the  
30 Board of Trustees shall notify the superintendent of the local school system of this  
31 individual; and

1                   B.     the local school system shall reimburse the Board of  
2 Trustees the amount equal to the reduction to the individual's retirement allowance  
3 that would have been made in paragraph (2) of this subsection.

4                   DRAFTER'S NOTE:

5                   Error: Stylistic error and erroneous internal reference in § 23-407(c)(9)(iii)2 of  
6 the State Personnel and Pensions Article.

7                   Occurred: Ch. 499, Acts of 2005.

8     24-401.1.

9                   (c)   (2)   (ii)   Except for the Secretary of State Police, a member of the  
10 State Police Retirement System is eligible to participate in the DROP if the member:

11                                 1.     has at least 25 years and [not] less than 29 years of  
12 eligibility service; and

13                   DRAFTER'S NOTE:

14                   Error: Extraneous word in § 24-401.1(c)(2)(ii)1 of the State Personnel and  
15 Pensions Article.

16                   Occurred: Ch. 397, Acts of 2011.

17   **Article – Tax – General**

18     11-206.

19                   (a)   (1)   In this section the following words have the meanings indicated.

20                                 (2)   ["Food for immediate consumption" means:

21   (i)   food obtained from a salad, soup, or dessert bar;

22   (ii)   party platters;

23   (iii)   heated food;

24   (iv)   sandwiches suitable for immediate consumption; or

25   (v)   ice cream, frozen yogurt, and other frozen desserts, sold in  
26 containers of less than 1 pint.

27                                 (3)]   "Facility for food consumption" does not include parking spaces for  
28 vehicles as the sole accommodation.



1 (i) a food vendor owns or controls; or

2 (ii) another person makes available primarily for the use of the  
3 patrons of 1 or more food vendors.

4 (6) “Substantial grocery or market business” means a business at  
5 which at least 10% of all sales of food are sales of grocery or market food items, not  
6 including food normally consumed on the premises even though it is packaged to carry  
7 out.

8 DRAFTER’S NOTE:

9 Error: Stylistic error (failure to codify definitions in alphabetical order) in §  
10 11–206(a) of the Tax – General Article.

11 Occurred: Ch. 3, Acts of the First Special Session of 1992.

12 **Article – Tax – Property**

13 2–106.

14 (c) Costs under subsection (b) of this section shall be allocated among the  
15 counties and Baltimore City as follows:

16 (1) costs under [subsections (b)(1) and (b)(3)] **SUBSECTION (B)(1)(I)**  
17 **AND (III)** of this section will be allocated based on the number of real property  
18 accounts of a county or Baltimore City as a percentage of the total number of real  
19 property accounts statewide as of July 1 of the preceding fiscal year; and

20 (2) costs under subsection [(b)(2)] **(B)(1)(II)** of this section will be  
21 allocated based on the business personal property assessable base of a county or  
22 Baltimore City as a percentage of the total business personal property assessable  
23 bases statewide as of July 1 of the preceding fiscal year.

24 DRAFTER’S NOTE:

25 Error: Erroneous internal references in § 2–106(c) of the Tax – Property Article.

26 Occurred: Ch. 397, Acts of 2011. Correction suggested by the Attorney General  
27 in the Bill Review Letter for H.B. 72 of 2011 (footnote 2), dated May 17, 2011.  
28 Correction by the publisher of the Annotated Code in the 2011 Supplement of the Tax  
29 – Property Article is ratified by this Act.

30 12–108.

1 (y) (1) (ii) “Foreign general partnership”, “foreign limited partnership”,  
2 “foreign limited liability partnership”, “foreign limited liability limited partnership”,  
3 and “foreign joint venture” mean, respectively, a partnership, limited partnership,  
4 **LIMITED LIABILITY PARTNERSHIP**, limited liability limited partnership, or joint  
5 venture organized or formed under the laws of the United States, another state of the  
6 United States, or a territory, possession, or district of the United States.

7 DRAFTER’S NOTE:

8 Error: Omitted language in § 12–108(y)(1)(ii) of the Tax – Property Article.

9 Occurred: Ch. 692, Acts of 2000.

10 (aa) An instrument of writing pursuant to which the Maryland Stadium  
11 Authority transfers title to, or creates a leasehold interest in, real property **IS NOT**  
12 **SUBJECT TO RECORDATION TAX** if the transferee or lessee is an Authority affiliate  
13 as defined in § 10–601 of the Economic Development Article.

14 DRAFTER’S NOTE:

15 Error: Omitted language in § 12–108(aa) of the Tax – Property Article.

16 Occurred: Ch. 185, Acts of 2000.

## 17 Article – Transportation

18 4–312.

19 (a) (1) Notwithstanding the provisions of § 20 of Section 3 and § 16 of  
20 Section 4 of Chapter 608 of the Acts of the General Assembly of 1976, tolls may [be  
21 continued] **CONTINUE** to be charged on the John F. Kennedy Expressway and any  
22 project constructed under the provisions of § 3 (bridge, tunnel, and motorway revenue  
23 bonds) of Chapter 608 of the Acts of the General Assembly of 1976.

24 DRAFTER’S NOTE:

25 Error: Stylistic error in § 4–312(a)(1) of the Transportation Article.

26 Occurred: Ch. 941, Acts of 1978. The name of the “John F. Kennedy  
27 Expressway” as shown in the provision being amended above has been changed since  
28 that provision was first enacted and now appears in § 4–312(a) of the Transportation  
29 Article as the “John F. Kennedy Memorial Highway”. Correction by the publisher of  
30 the Annotated Code in the 2011 Supplement of the Transportation Article is ratified  
31 by this Act.

32 11–117.

1 (a) “Educational purposes” includes those activities of schools certified by the  
2 Department of Education, activities of centers for individuals with an intellectual  
3 disability and physically handicapped individuals, church schools, Sunday schools and  
4 church related functions, [day] **CHILD** care centers, day camps, or summer camps, or  
5 any other activity that provides some educational experience for its participants.

6 DRAFTER’S NOTE:

7 Error: Obsolete terminology in § 11–117(a) of the Transportation Article.

8 Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the  
9 State Department of Education, Early Childhood Development Division, which is  
10 responsible for early child care and education in the State. The correction is consistent  
11 with the intent of similar conforming changes required to be made by the publisher of  
12 the Annotated Code under Ch. 564, § 3, Acts of 2011.

13 15–101.

14 (g) (2) “Vehicle salesman” does not include:

15 (ii) An individual acting as a representative of a person  
16 described in subsection [(b)(3)] **(C)(3)** of this section;

17 DRAFTER’S NOTE:

18 Error: Erroneous internal reference in § 15–101(g)(2)(ii) of the Transportation  
19 Article.

20 Occurred: As a result of Ch. 25, § 13, Acts of 2005.

21 16–111.2.

22 (e) A licensee shall pay a fee established by the Administration if[:

23 (1) The] **THE** license is issued or renewed under § 16–104.1 of this  
24 subtitle[; and

25 (2) The licensee presents proof to the Administration that immediately  
26 before the conversion of the license under § 16–104 of this subtitle, the licensee was  
27 qualified to operate vehicles of the same class].

28 DRAFTER’S NOTE:

29 Error: Obsolete language in § 16–111.2(e) of the Transportation Article.

1           Occurred: As a result of Ch. 65, Acts of 2011, which repealed § 16–104 of the  
2 Transportation Article. Former § 16–104 of the Transportation Article applied to  
3 licenses “issued on or before December 31, 1989”, and the Motor Vehicle  
4 Administration advised that there were no licenses still in circulation that the  
5 provision would have affected.

6 16–115.

7           (e) If a licensee is absent from this State for cause, other than as provided in  
8 subsection (d) of this section, and is unable to renew [his] **THE LICENSEE’S** license in  
9 the manner required by this section, the licensee may renew by mail to the  
10 Administration. The renewal application shall be accompanied by the prescribed fee  
11 and a statement giving the reason for and the expected length of the absence. On  
12 receipt of the application, the Administration may issue a regular license which bears  
13 a photo or a notation that it is valid without a photo until 15 days after the licensee  
14 first returns to this State.

15           DRAFTER’S NOTE:

16           Error: Stylistic error in § 16–115(e) of the Transportation Article.

17           Occurred: Ch. 14, Acts of 1977.

18 16–122.

19           (a) (2) The Administration may not issue or renew an identification card,  
20 moped operator’s permit, or license to drive under paragraph [(a)(1)(ii)] **(1)(II)** of this  
21 subsection on or after July 1, 2015.

22           (3) An identification card, moped operator’s permit, or license to drive  
23 issued or renewed under paragraph [(a)(1)(ii)] **(1)(II)** of this subsection on or after  
24 July 1, 2010, shall expire on July 1, 2015.

25           DRAFTER’S NOTE:

26           Error: Stylistic error in § 16–122(a)(2) and (3) of the Transportation Article.

27           Occurred: Ch. 60, Acts of 2009.

28 16–205.1.

29           (b) (3) If the person refuses to take the test or takes a test which results  
30 in an alcohol concentration of 0.08 or more at the time of testing, the police officer  
31 shall:

1 (viii) Within 72 hours after the issuance of the order of  
2 suspension, send any confiscated driver's license, copy of the suspension order, and a  
3 sworn statement to the Administration, that states:

4 3. The person was fully advised of the administrative  
5 sanctions that shall be imposed, including the fact that a person who refuses to take  
6 the test or takes a test that indicates an alcohol concentration of 0.15 or more at the  
7 time of testing is ineligible for modification of a suspension or issuance of a restrictive  
8 license under subsection [(o)] (N) of this section.

9 DRAFTER'S NOTE:

10 Error: Erroneous internal reference in § 16-205.1(b)(3)(viii)3 of the  
11 Transportation Article.

12 Occurred: Chs. 556 and 557, Acts of 2011. Correction recommended by the  
13 Attorney General in the Bill Review Letter for S.B. 803 of 2011 and H.B. 1276 of 2011,  
14 dated May 13, 2011.

15 22-412.1.

16 Every motor vehicle that is used by nursery schools, camps, day nurseries, or  
17 [day] **CHILD** care centers for children with an intellectual disability to transport  
18 children shall be equipped with seat belts for each seat and shall be subject to any  
19 other regulations adopted by the Administration, unless the motor vehicle:

20 (1) Is a Type I school vehicle; or

21 (2) Was formerly registered as a Type I school vehicle.

22 DRAFTER'S NOTE:

23 Error: Obsolete terminology in § 22-412.1 of the Transportation Article.

24 Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the  
25 State Department of Education, Early Childhood Development Division, which is  
26 responsible for early child care and education in the State. The correction is consistent  
27 with the intent of similar conforming changes required to be made by the publisher of  
28 the Annotated Code under Ch. 564, § 3, Acts of 2011.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
30 read as follows:

31 **Article – Transportation**

32 23-202.

1 (b) (3) (i) In this paragraph, “qualified hybrid vehicle” [has the  
2 meaning stated in § 13–815(a)(6) of this article] **MEANS AN AUTOMOBILE THAT:**

3 **1. MEETS ALL APPLICABLE REGULATORY**  
4 **REQUIREMENTS;**

5 **2. MEETS THE CURRENT VEHICLE EXHAUST**  
6 **STANDARD SET UNDER THE FEDERAL TIER 2 PROGRAM FOR**  
7 **GASOLINE–POWERED PASSENGER CARS UNDER 40 C.F.R. PART 80 ET SEQ.; AND**

8 **3. CAN DRAW PROPULSION ENERGY FROM BOTH OF**  
9 **THE FOLLOWING SOURCES OF STORED ENERGY:**

10 **A. GASOLINE OR DIESEL FUEL; AND**

11 **B. A RECHARGEABLE ENERGY STORAGE SYSTEM.**

12 **DRAFTER’S NOTE:**

13 Error: Obsolete cross–reference in § 23–202(b)(3)(i) of the Transportation  
14 Article.

15 Occurred: As a result of Ch. 490, Acts of 2010, which repealed former §  
16 13–815 of the Transportation Article containing the definition of “qualified hybrid  
17 vehicle” for purposes of a tax credit for such vehicles. In repealing the definition of  
18 “qualified hybrid vehicle” for purposes of the tax credit under former § 13–815, Ch.  
19 490, Acts of 2010 also inadvertently repealed the definition for purposes of a largely  
20 unrelated section of law dealing with emissions requirements. This correction restores  
21 the original definition of “qualified hybrid vehicle” in place of the obsolete  
22 cross–reference in § 23–202 of the Transportation Article.

23 **SECTION 3. AND BE IT FURTHER ENACTED,** That the publishers of the  
24 Annotated Code of Maryland, subject to the approval of the Department of Legislative  
25 Services, shall make any changes in the text of the Annotated Code necessary to  
26 effectuate any termination provision that was enacted by the General Assembly and  
27 has taken effect or will take effect prior to October 1, 2012. Any enactment of the 2012  
28 Session of the General Assembly that negates or extends the effect of a previously  
29 enacted termination provision shall prevail over the provisions of this section.

30 **SECTION 4. AND BE IT FURTHER ENACTED,** That the Drafter’s Notes  
31 contained in this Act are not law and may not be considered to have been enacted as  
32 part of this Act.

33 **SECTION 5. AND BE IT FURTHER ENACTED,** That the provisions of this Act  
34 are intended solely to correct technical errors in the law and there is no intent to

1 revive or otherwise affect law that is the subject of other acts, whether those acts were  
 2 signed by the Governor prior to or after the signing of this Act.

3 SECTION 6. AND BE IT FURTHER ENACTED, That the publishers of the  
 4 Annotated Code of Maryland, in consultation with and subject to the approval of the  
 5 Department of Legislative Services, shall make nonsubstantive corrections to  
 6 codification, style, capitalization, punctuation, grammar, spelling, and any reference  
 7 rendered incorrect or obsolete by an Act of the General Assembly, with no further  
 8 action required by the General Assembly. The publishers shall adequately describe  
 9 any such correction in an editor’s note following the section affected.

10 SECTION 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
 11 take effect on the taking effect of Section 4 of Chapters 111 and 112 of the Acts of the  
 12 General Assembly of 2007.

13 SECTION 8. AND BE IT FURTHER ENACTED, That this Act is an emergency  
 14 measure, is necessary for the immediate preservation of the public health or safety,  
 15 has been passed by a yea and nay vote supported by three-fifths of all the members  
 16 elected to each of the two Houses of the General Assembly, and, except as provided in  
 17 Section 7 of this Act, shall take effect from the date it is enacted.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.